



**FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)**

Case reference : **CAM/22UH/OLR/2022/0057**

Property : **67 Trotwood Chigwell
Essex IG7 5JP**

Applicant : **Barbara Mary Walsh
(leaseholder)**

Representative : **Homehold Services Ltd.**

Respondent : **Sinclair Gardens Investments
(Kensington) Ltd. (landlord)**

Representative : **PDC Conveyancing**

Type of application : **Application by the Respondent
for permission to appeal**

Tribunal : **N. Martindale FRICS**

Date & Venue : **20 January 2023
HMCTS, Cambridge
County Court 197 East St.
Cambridge C1 1BA**

Date of decision : **20 January 2023**

DECISION

Decision

1. The Tribunal has considered the landlord's, application for a review and permission to appeal, dated 22 November 2022 and determines that:
 - (a) it will not review its decision of 25 October 2022 ('the Decision').
 - (b) permission to appeal, be refused.
2. In accordance with section 11 of the Tribunals, Courts and Enforcement Act 2007 and rule 21 of the Tribunal Procedure (Upper Tribunal) (Lands Chamber) Rules 2010, the respondent may make further application for permission to appeal to the Upper Tribunal (Lands Chamber). Such application must be made in writing and received by the Upper Tribunal (Lands Chamber) no later than 14 days after the date on which the First-tier Tribunal sent notice of this refusal to the party applying for permission to appeal.
3. The Upper Tribunal (Lands Chamber) may be contacted at: 5th Floor, Rolls Building, 7 Rolls Buildings, Fetter Lane, London EC4A 1NL (tel: 020 7612 9710); or by email: lands@hmcts.gsi.gov.uk

Reason for the Decision

4. *"The requirement of leave to appeal requires one to submit one's grounds of dissatisfaction for scrutiny to see whether they have sufficient merit to justify an appeal."* [Saleem v SoS for the Home Department [2001] 1 WLR 443, per Hale LJ @459]. However; *"It is Parliament's wish and intention that resources should not be devoted to continuing appeals at higher levels if an appeal fails to cross the threshold test of permission to appeal."* [Moyse v Regal Mortgages Ltd [2004] EWCA Civ 1269, per Brooke LJ @ 31].
5. Rule 55, Property Chamber Rules 2013, restricts the power of review: *"The Tribunal may only undertake a review of a decision – (a) pursuant to rule 53 (review on an application for permission to appeal); and (b) if it is satisfied that a ground of appeal is likely to be successful."*
6. The refusal of a review and of permission to appeal is because the grounds stated, are not arguable and there is no realistic prospect of success. The landlord respondent principally refers to the Tribunals failure to allow the parties to respond to the decision: In particular to the views expressed by the Tribunal of the effects of the UK pandemic on housing sales at and around the AVD. The Tribunal expressed these views to both parties, more than once during the hearing and was open to response. The respondent's representative did not consider that there was evidence to support this effect of the pandemic and maintained their case as submitted.