



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

Case reference	:	CAM/00MB/LLD/2022/0002 CAM/00MB/LIS/2021/0027
Properties	:	Flats 77 and 115 Jago Court Newbury, Berkshire RG14 7EZ
Applicants	:	1. Mr Sanjay Pawar 2. Mrs Shweta Pawar
Representative	:	Sanjay Pawar
Respondent	:	Albion Place (Newbury) Management Company Limited
Type of applications	:	Liability to pay administration charges
Tribunal	:	Judge David Wyatt
Date of directions	:	20 January 2023

DECISION

Background

1. To avoid duplication, this decision should be read with the directions given on 24 November 2022, which explain the background and give further details, including:
 - a. the proceedings seeking service charges of £8,862 plus interest and costs, issued by the respondent in the county court and transferred to the tribunal, where the relevant tribunal decided on 7 June 2022 (CAM/00MB/LIS/2021/0027), dispensing with the relevant consultation requirements (CAM/00MB/LDC/2022/0003), that the claimed service charges were payable, with Judge Dutton awarding interest of £501.42 and costs of £780 (as claimed) in addition;
 - b. the current applications, made in September and November 2022 under paragraphs 5 and 5A of Schedule 11 to the Commonhold and Leasehold Reform Act 2002, relating to costs of £53,587.48 of

those service charge proceedings, first invoiced by the respondent to the applicant leaseholders as administration charges on 10 August 2022 (CAM/00MB/LLD/2022/0002); and

- c. the request made at the case management hearing on 24 November 2022 by counsel for the respondent to extend time for applying for permission to appeal the decision of 7 June 2022 until 28 days after the decision on those current administration charge applications. This was not an application for permission to appeal, which could only have been made to Judge Dutton.
2. On 1 December 2022, pursuant to paragraph 1 of the directions given on 24 November 2022, the applicants sent their written submissions in response to that request for an extension of time.

Decision

3. I do not extend the time for applying for permission to appeal the decision of 7 June 2022.

Reasons

4. The request was not made under Rule 52 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, which sets out what a party must do if they wish to seek permission to appeal, including making an application for permission to appeal with their grounds of appeal within the 28-day time limit. Rule 52(4) provides that if such application is not made in time it must include a request for an extension of time and the reason it was not received in time, and unless the tribunal gives an extension of time the tribunal must not admit the application. Judge Dutton's decision included the requisite notification of the 28-day time limit for any application for permission to appeal. That expired in early July 2022. The applicant chose not to incur the costs of seeking permission to appeal in time; there were no good reasons why it could not have done so.
5. Even apart from that, I decline to extend time under Rule 6(3)(a). The request was made more than four months after the time limit for an application for permission to appeal had expired. The respondent was legally represented throughout and knew it had incurred substantial costs in the service charge proceedings, far exceeding the amounts sought in the service charge proceedings. It was obvious that the relevant finding by the relevant tribunal (that sending consultation notices to these applicants by e-mail had not been sufficient to comply with the consultation requirements) might affect any claim against the applicants for such costs under the contractual costs provision in the leases. These refer to all proper legal and other professional fees incurred in connection with the "*...recovery of arrears...*". It was also obvious that any claim for such substantial costs would probably be disputed by the applicants, particularly given that the respondent had indicated at the hearing only that £780 was being claimed for small claims track costs, as noted at [67].

6. There was no request to delay the administration charge proceedings to allow the respondent to attempt a late appeal; directions were given for the steps to be taken by the parties to prepare for a substantive hearing in those proceedings. I am not satisfied that it would be in accordance with the overriding objective to give the respondent an option to seek to appeal the decision made at the end of the service charge proceedings until after whatever decision is made at the end of the current administration charge proceedings about the costs the respondent is seeking from the applicants for the service charge proceedings. It is perhaps understandable that the request was made, given that costs of the case management hearing were being incurred in any event. However, it is not justified.
7. These reasons do not have any bearing on the merits of whatever cases might be made by the parties in the current administration charge proceedings about the relevant costs.

Judge David Wyatt

20 January 2023

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to seek to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.

The application for permission to appeal must arrive at the regional office within 28 days after the tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).