



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

Case reference : **KA/LON/00AL/MNR/2022/0072**

Property : **3 Alwold Crescent London SE12 9AF**

Applicant : **Ms Fabiana Arantes Gana**

Representative : **In person and with Mr Gana**

Respondent : **Mr Okiator Osiah**

Representative : **The respondent did not appear and was not represented at the hearing but made written representations**

Type of application : **Application for permission to appeal**

Tribunal member(s) : **Mr Charles Norman FRICS
Valuer Chairman
Mr Nat Miller**

Venue : **10 Alfred Place, London WC1E 7LR**

Date of decision : **28 December 2022**

DECISION

DECISION OF THE TRIBUNAL

1. The tribunal has considered the respondent's request for permission to appeal dated 17 October 2022 and, having reviewed its decision and being satisfied that a ground of appeal has a realistic prospect of success, it hereby SETS ASIDE the decision of 14 October 2022 under section 9(4) and (5) of the Tribunals, Courts and Enforcement Act 2007, and re-decides the matter.

REASONS FOR THE DECISION

The test for whether to grant permission to appeal is whether there is a realistic prospect of success.

2. In the present case, the tribunal considered that the following ground of appeal had a realistic prospect of success, as set out at Paragraph 2 of the Decision to Carry out a Review dated 18 November 2022. This stated:

“The reason for the above decision is that the tribunal having further reviewed the evidence submitted considers that it was of the mistaken view that the comparable with the file name *“London – 3 Bed Terraced House, Alwold Crescent, SE12 – To Rent Now for £1550.00”* and which bears a date *“15/05/2022”* was a recent rental comparable. It now appears that this was not the case. The tribunal’s original decision may therefore be based on incorrect information.”

3. The Decision to Carry out a Review invited the applicant to respond to the application for permission to appeal and for both parties to comment on fuller comparable information supplied by the tribunal in relation to comparables relied upon by the parties. The applicant responded out of time, but the Tribunal has had regard to her comments. The applicant commented that the Tribunal had not referred to her comparable evidence in the Decision to Carry Out a Review. In fact, the Tribunal had fully considered the Applicants evidence and has taken it into account in the re-made decision which is appended. The respondent did not respond to the Decision of 18 November 2022.
4. The re-made decision is attached.
5. The re-made decision attracts fresh rights of appeal, in the same way as the original decision. This means that either party may make a request to this tribunal for permission to appeal against the re-made decision; and such a request must be received by the tribunal within 28 days of the date it is sent to the parties.

Name: Mr Charles Norman FRICS **Date:** 28 December 2022