



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

Case reference : **CAM/11UB/LSC/2022/0066**

Property : **Flat 4, 132 Mandeville Rd, Aylesbury,
Bucks HP21 8AJ**

Applicant : **Mr Joe Naughton**

Respondent Landlord : **Goodwyn Realty Ltd**

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

Tribunal : **Tribunal Judge Stephen Evans
Mr Adarsh Kapur**

**Date of paper
determination** : **11 September 2023**

DECISION

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- 1. The Tribunal determines that it will not conduct a review pursuant to rules 53 and 55 of the First-tier Tribunal (Property Chamber) Rules 2013 because it is not satisfied that a ground of appeal is likely to be successful.**
- 2. The Tribunal further determines that permission to appeal be refused, as there are no reasonable prospects of success and no other reason why an appeal should be heard.**
- 3. 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 Applicant 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.**
- 4. 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 .**

REASONS

1. By written application dated 30 August 2023 and received in time on 31 August 2023, the leaseholder Applicant seeks permission to appeal the decision of the Tribunal dated 10 August 2023.
2. As regards the first 2 paragraphs of the Applicant's reasons for permission to appeal, pursuant to s.27A of the Landlord and Tenant Act 1985, the Tribunal's jurisdiction is limited. The Tribunal may determine whether a service charge is payable and, if it is, as to - (a) the person by whom it is payable, (b) the person to whom it is payable, (c) the amount which is payable, (d) the date at or by which it is payable, and (e) the manner in which it is payable. The matters on which the Applicant now seeks to rely do not fall within the Tribunal's jurisdiction, and have no obvious relationship to the 4 items challenged by the Applicant (see paragraph 26 of the Tribunal's decision). No error on the part of the Tribunal has been alleged, and this ground has no prospects of success.
3. As for the request for permission to appeal on the matter of general repairs and reserve fund, the Applicant accepts by his own wording that it is repetition of his initial challenge. There is no argument advanced that the Tribunal has erred in its determination. A reserve fund is usually for major works, but not always. In the instant case, the Respondent was collecting funds on account to address any exceptional costs that might arise, or to meet

costs which exceed the amounts budgeted for. No error on the part of the Tribunal' reasoning has been alleged, and this ground has no prospects of success.

4. The Tribunal has no jurisdiction on a s.27A application over which bank accounts the managing agents use. The Tribunal has correctly identified the Respondent as Goodwyn Realty Ltd because, pursuant to the Lease, it is the lessor and bears the obligation to provide the services, and to demand and recover the service charge contributions from the Applicant. This ground has no prospects of success.

Judge:

S J Evans

Date:

11/9/2023