



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

**Case reference** : **CAM/33UG/MNR/2023/0087**

**Property** : **29, Woodruff Road, Thetford,  
IP24 2TX**

**Applicant** : **Daiva Virbickiene**

**Supported by** : **Owen Willis (Shelter)**

**Respondent** : **Dilwar Anwar Khan**

**Application** : **Application for permission to Appeal**

**Tribunal members** : **Alan Tomlinson BSc(Hons), DipHI, MRICS**

**Date of Decision** : **11 January 2024**

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**DECISION REFUSING PERMISSION TO APPEAL**

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## **Decision**

1. The tribunal has considered the applicant's requests for permission to appeal dated 23<sup>rd</sup> October 2024, and determines that:
  - a. it will not review its decision; and
  - b. permission 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, Miss Daiva Virbickiene 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. Where possible, any further application for permission to appeal should be sent **by email** to [Lands@justice.gov.uk](mailto:Lands@justice.gov.uk), as this will enable the Upper Tribunal (Lands Chamber) to deal with it more efficiently. Alternatively, 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).

## **Original Application**

4. The Original Application was made on 3 July 2023 for the determination of a market rent under Section 14(1) of the Housing Act 1988 by Miss Daiva Virbickiene, the tenant, following service of a notice in the prescribed form by the landlord on 14 June 2023.
5. The landlord's notice proposed a new rent of £1095 per calendar month to be effective from 21 July 2023. This was in lieu of the £925 per month which appeared to take effect from 21 November 2022.
6. The decision of the First-tier Tribunal was a market rent of £1095 per month.

## **Reasons for the decision**

7. The tribunal did not wrongly interpret or wrongly apply the relevant law or take into account irrelevant considerations or fail to take account of relevant consideration or evidence. The tribunal had considered and taken into account all of the relevant points now raised by the Tenant when reaching its original decision.
8. The tribunal has decided not to review its Decision and refuses permission to appeal to the Upper Tribunal because it is of the opinion that there is no realistic prospect of a successful appeal in this case.

9. For the benefit of the parties and of the Upper Tribunal (Lands Chamber) (should a further application for permission to appeal be made), the tribunal has set out its comments on the specific points raised in the requests for permission to appeal, in the appendix attached.

**Alan Tomlinson**  
**Valuer Chair**  
**11 January 2024**

APPENDIX TO THE DECISION  
REFUSING PERMISSION TO APPEAL

For the benefit of the parties and of the Upper Tribunal (Lands Chamber), the tribunal records below its comments on the grounds of appeal, set out in the same order as set out in the Tenant's letter seeking permission to appeal.

Specific comments on the grounds of appeal

Application for permission to appeal was received from the tenant dated 23 October 2023 and a response from the landlord also dated 23 October 2023.

In the letter dated 23 October 2023 from Miss Daiva Virbickiene, the tenant refers to the following ground of appeal:

Ground 1: Disagreement with the determination of market rent and how it was arrived at.

The tribunal carefully considered all of the evidence provided by the tenant, and landlord, in respect of both comparables and general market trends. In doing so, the tribunal used its own knowledge and expertise to apply appropriate weightings to each piece of evidence when arriving at the open market rent.

The tribunal is satisfied that the rent determined is a fair reflection of the open market rent of the subject property, including bills as set out in the tenancy agreement.

## **ANNEX - RIGHTS OF APPEAL**

As the application for permission to appeal the decision is refused, an application for permission to appeal against that refusal may be made to the Upper Tribunal under the Tribunals, Courts and Enforcement Act 2007, the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 and The Tribunal Procedure (Upper Tribunal) (Lands Chamber) Rules 2010. An application to the Upper Tribunal (Lands Chamber) for permission must be made within **14 days** of the date on which the First-tier Tribunal sent you the refusal of permission.