



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

Case reference : **CAM/38UE/MNR/2023/0181**

Property : **41A Folly View Road,
Faringdon,
Oxford SN7 7DQ**

Applicants : **Joshua Ross
(Tenants)**

Representative : **None**

Respondent : **Ross Gilmour
(Landlord)**

Representative : **Perry Bishop Ltd.
(Agent)**

Type of application : **Application by the Tenant for
Review & Permission to Appeal**

Tribunal : **N. Martindale FRICS**

Date & Venue : **13 March 2024
Cambridge County Court,
197 East Road,
Cambridge CB1 1BA**

Date of decision : **13 March 2024**

DECISION

Decision

1. The Tribunal has considered the tenant's applications for a review, and for permission to appeal the Decision and determines that:

- (a) it will not review its decision of 12 February 2024 ('the Decision');
 - (b) permission to appeal the Decision, be refused and
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

Tribunal Rule 55 – Review; & Rule 52 – Permission to Appeal

4. The applicants grounds are that “...*The Rent increase is not fair and proportionate contrary to initial findings. I provided details of local comparable property that were priced between £650 and £800. They were not flats or small poorer condition properties as stated by the Tribunal. Additionally property condition... lack of safety and affected health can and should be considered...*” The applicant details his health condition.
5. The applicant also refers to the Police and the landlord and/or letting agent being “*in cahoots*” concerning the nuisance said to arise from the occupiers of nearby properties. The applicant remained concerned that much of the nuisance was as a result of inadequate security measures taken to the Property, by his landlord, to dissuade this activity. The applicant seeks: “...*a reduction in rent to original sum of £800 per calendar month.*”
6. The tenant applied for a Review and for Permission to Appeal.
7. First tier Tribunal (Property Chamber) Rule 55 deals with a “Review of a decision.” Rule 52 deals with an “Application for permission to appeal.”
8. Tribunal 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.*”
9. Tribunal Rule 52 refers to: “*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.”* [Moyses v Regal Mortgages Ltd].

10. The refusal of a review and of permission to appeal is because the Tribunal finds that the grounds stated above, are not arguable, refer to matters outwith its consideration under S.14 Housing Act 1988 only and that there is no realistic prospect of success.
11. Despite the foregoing conclusion, the tenant may still apply directly to the Upper Tribunal, which will decide whether or not an appeal will be accepted.

N Martindale FRICS

13 March 2024