



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

Case reference : **LON/00AC/F77/2024/0651**

Property : **Flat 11 Beechwood Hall
Regents Park Road
London N3 3AJ**

Applicant : **Grainger Bradley Ltd
(Landlord)**

Representative : **Grainger Plc**

Respondent : **Mrs S. Eisenhower
(Tenant)**

Representative : **None**

Type of application : **Application by landlords for a
review and for permission to
appeal.**

Tribunal : **N. Martindale FRICS**

Date & Venue : **First tier Tribunal Property
10 Alfred Place
London WC1e 7LR**

Date of Decision : **21 February 2025 this Review
amends the Decision dated 3
February 2025)**

DECISION

Decision

1. The Tribunal has considered the landlord's, application for a review and the permission to appeal, by email of 18 February 2025 and determines that:
 - (a) it will review its decision of 3 February 2025 ('the Decision').
 - (b) permission to appeal, 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, 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.gov.uk

Reason for the Decision

4. *"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."* [Moyse v Regal Mortgages Ltd [2004] EWCA Civ 1269, per Brooke LJ @ 31].
5. 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."*
6. The refusal of permission to appeal is because the grounds stated, are arguable and will be dealt with by way of this Review, but beyond this then there is no realistic prospect of further success by the landlord.
7. In the original referral and prior to the Decision, the Tribunal received a bundle of electronic documents. A copy of the last registered rent and the Register entry was included. In that form and at the "Premises" box and "Description" it referred to *"...modernised with full central heating"*. The Tribunal erred by noting in the Decision Form and Reasons an absence of central heating, when it had intended to refer to the absence of double glazing.

8. The Decision, Reasons are Reviewed as follows: at paragraph 7 line 1: delete “central heating”, insert “double glazing”. The Decision at paragraph 12 line 5: delete “central heating, insert “double glazing”. There are no other changes.
9. By way of a Review, this Decision supplements ‘the Decision’ of 3 February 2025. The corresponding Form of Decision of 3 February 2025, with calculations, needs no Review or amendments.

N Martindale FRICS

21 February 2025