



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

Case reference : **CAM/34UE/LVH/2024/0001
CAM/34UE/LIS/2024/0003**

Property : **1-12 Kings Walk, King Street, Kettering
NN16 8JF and 1-12 Regent Gate, Regent
Street, Kettering NN16 8JD, known as
the “Old Bakery”**

Applicants : **1. The Kettering Old Bakery Apartments
Ltd
2. All leaseholders of dwellings at the
Property**

Respondent : **John Socha**

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

Tribunal member(s) : **Judge David Wyatt**

DECISION REFUSING PERMISSION TO APPEAL

DECISION OF THE TRIBUNAL

1. The tribunal has considered the Respondent’s request for permission to appeal and determines that:
 - (a) it will not review its decision; and
 - (b) permission is refused.
2. You may make a further application for permission to appeal to the Upper Tribunal (Lands Chamber). Any such application must be made 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, you should make your further application for permission to appeal on-line using the Upper Tribunal’s on-line document filing system, called CE-File. This will enable the Upper Tribunal to deal with it more efficiently and will enable you to follow the progress of your application and submit any additional documents quickly and easily. Information about how to register to use CE-File can

be found by going to this web address: <https://www.judiciary.uk/wp-content/uploads/2023/09/20230927-PD-UT-Lands-Chamber-CE-File.pdf>

4. Alternatively, you can submit your application for permission to appeal by email to: Lands@justice.gov.uk. The Upper Tribunal can also be contacted by post or by telephone at: Upper Tribunal (Lands Chamber), 5th Floor, Rolls Building, 7 Rolls Buildings, Fetter Lane, London EC4A 1NL (Tel: 020 7612 9710).

REASONS FOR THE DECISION

5. On Monday, 14 April 2025, the tribunal's substantive decision in these proceedings, dated 10 April 2025 (the "**Decision**") was sent to the parties by e-mail and by post. References below in square brackets are to those paragraphs in the Decision.
6. On 5 May 2025, the Respondent wrote from enquiries@obmsltd.com: "*I wish to appeal the entire decision; this I will supply details within 10 working days.*" I treat this as an application for permission to appeal. Since no further relevant details have been provided, I recite below the remainder of this e-mail as the Respondent's grounds of appeal.
7. On 21 May 2025, Mr O'Sullivan (for the First Applicant) replied, noting that certificates of compliance (in relation to the gates) had not been provided and the time for appeal (and the Respondent's proposed extra time) had passed. He attached a letter before action in relation to the sums set out in the Decision. On 21 and 26 May 2025, the Respondent replied by e-mail that he had appealed the Decision. He made other comments directed at the Applicant(s) which (save to the extent they repeat what was said in the first e-mail) are not relevant to the question of whether to grant permission to appeal.
8. The test for whether to grant permission to appeal is whether there is a realistic prospect of success. For the following reasons, I am not satisfied that any of the matters described by the Respondent have any realistic prospect of success.

"There appears to have no account taken of the works undertaken despite several of the leaseholders failing to pay."

9. The Decision was based on the evidence, including the earlier agreement about the "Phase 1" works described in the Decision. The Respondent repeatedly failed to comply with directions requiring him to produce any evidence he wished to rely upon, but we allowed him to give oral explanations at the hearing.

"I ensured that suppliers were paid from my own resources. The same contractors would be recalled should further works be needed."

10. The Decision notes that it appears the Respondent had made payments from his own resources (including more than £27,000 said to have been paid for legal/mediation fees towards acquisition of the freehold) and the general circumstances.

“The result I am seeking is a fair hearing.

Papers were never served on me either at my company’s office, or its registered office:

7 Queensbridge

Northampton

NN4 7BF

We have a scanning system which all post that reaches our office is scanned and stored electronically.

This decision is the only document received by us in a timely fashion.

I am aware that there have been administrative difficulties at the agency.”

11. I am not satisfied that the Respondent did not receive the requisite documents. The Respondent had many opportunities to comply with directions, as summarised at [12] to [23], and a fair hearing. The Respondent does not say that he did not receive the application documents/directions by e-mail or otherwise. The tribunal was not asked to use the registered office of Orchard Block Management Services Ltd for correspondence with the Respondent; that office seems to be the address of the accountants used by the Respondent.
12. The Respondent may not immediately remember receiving the many directions and reminders sent by the tribunal (or the copies which the First Applicant was directed to send to him to ensure prompt receipt). I note these were sent initially to the e-mail and postal addresses which the Respondent had been using as manager of the Property (enquiries@obmsltd.com and the postal address, Adams House, 1 Adams Avenue, Northampton NN1 4LQ, which appears to have been used throughout as the office address for his property management business, Orchard Block Management Services Ltd). From late February 2024, the tribunal also used john.socha@obmsltd.com, after the Respondent replied initially using only that e-mail address. Later responses from the Respondent used either e-mail address.
13. The directions required the parties to provide dates to avoid; the Respondent did not comply with the other parts of the directions, but did (by e-mail from John.Socha@obmsltd.com on 10 October 2024) provide his dates to avoid. The final hearing was fixed for dates avoiding these. It was notified by letter dated 20 December 2024, which reminded the parties of the need to comply with the directions given on 16 October

2024 and was sent to the same postal address and by e-mail to john.socha@obmsltd.com.

14. On 19 March 2025, following the summons issued by the tribunal requiring the Respondent to attend the hearing, using the same contact details, Kerry Socha-Ayling wrote to the tribunal from admin@obmsltd.com seeking adjournment (refused later that day), writing as Head of Property Management at Orchard Block Management Services Ltd, confirming the same postal address as had been used throughout (Adams House, 1 Adams Avenue, Northampton NN1 4LQ).
15. As the First Applicant had pointed out, the hearing bundle and earlier correspondence included proof of delivery of their copies of the directions and reminders. The Respondent did not argue at the hearing that he had not received the requisite documents or make any further request for adjournment. On the contrary, having said by e-mail from enquiries@obmsltd.com on 31 March 2025 (the day before the final hearing) that he had received nothing, he confirmed at the hearing that he had found his copy of the hearing bundle (which had been delivered to him in January 2025). The Decision was sent by e-mail and by post to the new postal address given by the Respondent in his e-mail of 31 March 2025 (which gave that new postal address but was also signed John Socha, Orchard Block Management Services Ltd NN1 4LQ).

Name: Judge David Wyatt

Date: 28 May 2025