



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

Case reference : **CAM/42UF/LIS/2024/004**

Property : **Apartment 1, the Manor, Herringswell,
Bury St Edmunds, IP28 6SH**

Applicant : **Dr Melis Ozdel**

Respondent : **Herringswell Residents Company
Limited**

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

Tribunal members : **Judge Adcock-Jones**

Date of decision : **31 July 2025**

DECISION

Decision of the Tribunal

1. The Tribunal has considered the Respondent's request for permission to appeal dated 04 July 2025 and determines that:
 - (a) It will not review its decision;
 - (b) permission to appeal is 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 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.

3. Where possible, you should send your further application for permission to appeal **by email** to Lands@justice.gov.uk, as this will enable the Upper Tribunal (Lands Chamber) to deal with it more efficiently.
4. 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).

Reasons for the Decision

Ground 1 – Building Insurance Premium

5. The Tribunal repeats its findings at paragraphs 36 to 41 of the decision noting that the application for permission to appeal largely repeats submissions made at the hearing and factors taken into account by the Tribunal.
6. Accordingly, the Tribunal does not consider that this ground of appeal has a realistic prospect of success.

Ground 2 – Major Works Provisions – Schedules A, B and C

7. The Tribunal repeats its findings at paragraphs 33 to 35. The Tribunal was satisfied with the evidence produced by the Respondent in respect of a long-term maintenance plan.
8. Accordingly, the Tribunal does not consider that this ground of appeal has a realistic prospect of success.

Ground 3 – General Maintenance – Schedules A, B and C

9. The Tribunal repeats its findings at paragraphs 28 and 29 of the Decision. The Tribunal considered the alternative quotation provided by the Applicant but accepted the evidence of the Respondent as presented where actual expenditure could be confirmed and otherwise on the basis that the year-end accounts were prepared by the accountants with sight of the relevant invoices in terms of accuracy and that the figures were reasonable.
10. Accordingly, the Tribunal does not consider that this ground of appeal has a realistic prospect of success.

Ground 4 – Caretaking – Schedules A, C and E

11. The Tribunal repeats its findings at paragraphs 22 to 27 of the Decision. The Tribunal considered the evidence and determined that the costs reflected the level of work done and were therefore payable and reasonable.

12. Accordingly, the Tribunal does not consider that this ground of appeal has a realistic prospect of success.

Ground 4 – Issues Put before the Tribunal but not decided

13. In respect of the Applicant's assertion that the Tribunal did not consider her submission that the Respondent had failed to comply with their duty to maintain the garden property and that this constituted a request for a reasonable deduction by way of set off, the Applicant is referred to paragraph 27 of the Decision which records "*The Tribunal considered that the photographs provided by the Applicant provided for a reasonable standard of care and disagreed that they showed a poor standard as averred. The costs reflect the level of work done.*" Accordingly, such ground of appeal would not have any realistic prospect of success.
14. In respect of the Applicant's request for a deduction of £3,000 in respect of service charge year ending 30 June 2024 for the Applicant's legal costs incurred in ascertaining who was responsible for the management of the Property and to secure the holding of an Annual General Meeting, the Tribunal notes reference to this at paragraph 52. Accordingly, the Tribunal considered this and no deduction was made.
15. Considering the submission to re-consider the request for an order under section 20C and/or paragraph 5A of Schedule 11, the Tribunal repeats its findings at paragraph 54 of the Decision. The Applicant was largely unsuccessful and therefore the refusal of the request was appropriate.
16. In conclusion, the Tribunal does not consider that any of the grounds for appeal have any realistic prospect of success.

Request for Stay on Proceedings

17. Given the above, the Tribunal refuses the application for any stay of the proceedings.

Name:	Judge Adcock-Jones	Date:	31 July 2025
--------------	--------------------	--------------	--------------