



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

**Case reference** : **CAM/00MC/HMC/2025/0004**

**Property** : **34 Howard Street, Reading, RG1 7XS.**

**Applicant** : **Mr Vukoje Mazic**

**Respondent** : **Mr Michael McSweeney**

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

**Tribunal** : **Judge Stephen Evans**

**Date of original decision** : **18 December 2025**

**Date of PTA decision** : **25 January 2026**

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**DECISION**

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## DECISION

- 1. The Tribunal determines that it will not conduct a review pursuant to rules 53 and 55 of the First-tier Tribunal (Property Chamber) Rules 2013 because it is not satisfied that a ground of appeal is likely to be successful.**
- 2. The Tribunal further determines that permission to appeal be refused, as there are no reasonable prospects of success and no other reason why an appeal should be heard.**
- 3. 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.**
- 4. 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 .**

## REASONS

1. By application dated 18 December 2025, the Respondent in person seeks permission to appeal the Tribunal's decision of 1 December 2025 to make a rent repayment order.

### Ground 1

2. The Respondent relies on evidence adduced at the hearing of damage to the ceiling in the ground floor bedroom as evidence of poor conduct on the part of the Applicant which should mitigate the rent repayment order in full or part.
3. The Ground has no reasonable prospect of success, nor is there some other reason why permission to appeal should be granted. In paragraph 33 of the decision, the Tribunal found as a fact that "there was no evidence before us, for example, that the Applicant's misuse of the shower was causing the water penetration." Moreover, the Tribunal found, as a fact, it was the Respondent who delayed the repairs (paras 32 and 33).

4. The Tribunal noted that the Applicant contended he could not shower in the basement because there was mould in it (para 59). In his Ground 3 under “this application, the Respondent accepts there was mould in that area.
5. Last but not least, the Tribunal agreed (decision, paragraph 64) with the Respondent’s barrister that there was no significant allegation of conduct either way (i.e. significant enough to affect any award made).

## **Ground 2**

6. The Respondent contends that after the hearing he has been fined £3872 by the Council, and that is punishment enough.
7. This is new evidence, and could not have been adduced (it seems) at the time of the hearing. However, no documentary evidence of this fine has now been provided, nor evidence of payment of it by the Respondent. Even if that were the case, the Tribunal does not consider it of sufficient significance or size that it would make a material impact on the award to the Applicant, especially given the lack of material concerning the Respondents means/impecuniosity (decision, para 65).
8. The Ground accordingly has no reasonable prospect of success, nor is there some other reason why permission to appeal should be granted.

## **Ground 3**

9. This Ground either consists of a rehash of Ground 1 or an impermissible attempt to re-argue the case.
10. The Respondent accepts he did not “give full vent to [his] points at the hearing”. In so doing, he claims he “allowed [him]self to be advised and represented by them [his solicitor and barrister] and therefore withdrew from any involvement in the hearing process.”
11. The application for permission to appeal does not contend that the Tribunal erred on basis of the representations which were made by his lawyers, on his instructions, and the evidence which they adduced. To permit the Respondent to do so now, would be unfair to the Applicant in giving the Respondent 2 bites of the cherry.
12. The Ground accordingly has no reasonable prospect of success, nor is there some other reason why permission to appeal should be granted.

Judge:

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S J Evans

Date:

25/1/26