



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

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**Case reference** : **CAM/00KF/LSC/2025/0608**

**Property** : **Mont Dol, 58 Chalkwell Ave, Westcliff-on-Sea, Essex SS) 8NN.**

**Applicant** : **Kelly Ivory Empegliazzo**

**Respondent** : **Mr Edward Beale, Ms Deborah Burwood**

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

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

**Date of original decision** : **15 October 2025**

**Date of PTA decision** : **12 February 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 6 November 2025, the Respondents seek permission to appeal the Tribunal's decision of 15 October 2025 relating to determination of service charges.
2. The Tribunal apologises for the delay in issuing this decision. The Grounds were not referred to the Tribunal as early as they might have been.
3. The Grounds are discursive and prolix and do not set out with precision why it is alleged the Tribunal erred in its decision. Most of the Grounds of Appeal are not grounds in the proper sense, but an attempt by the Respondents to re-litigate the case. That, without more, is impermissible.
4. Many of the challenges to the decision are misguided, since the Tribunal was merely recording what the respective parties' position was, rather than being part of its findings, which were made thereafter
5. As regards specific paragraphs in the Respondents' Statement of Appeal which do tend to assert that the Tribunal erred, the Tribunal determines there are no

real prospects of success nor other reason to grant permission to appeal, for the following reasons:

- Paragraph 59(3): the Tribunal did not find Mr King was resident. The Tribunal believed the Applicant when she volunteered the fact that Mr King had accompanied her when service notices. The Tribunal preferred the Applicant's evidence on the issue of service.
- Paragraph 77-80: the Respondents had the opportunity to call any witnesses, including any tenant at the hearing, but did not do so. The Tribunal cannot take into consideration now the tenant's alleged evidence.
- Similarly, the Tribunal could not consider events dated 22 October 2025, since they occurred 10 days after its decision was dated.
- Paragraph 91: the evidence before the Tribunal was that render was spalled in some areas, and was not limited to cracking.
- Paragraphs 95 and 107: the parties were clearly informed at the outset of the inspection that evidence would not be taken from the parties during the inspection.
- Paragraph 108: the Respondents' reference to the Consumer Rights Act 2015 is unparticularised and opaque.
- Paragraph 111: the Tribunal did not misunderstand or misapply the law.
- Paragraph 115: the Respondents are now prepared accept that 10 working days was not unreasonable. As such, there is no realistic challenge to the Tribunal's findings. The Tribunal's reference to scaffolding was to the extra time likely to be taken to ascend/descend when working, and to take extra care when working at height. The Property is historic, and accordingly less easy to redecorate than a newer building.
- Paragraph 117: the Tribunal made no finding that there was a Project Manager.
- Paragraphs 129 and 131: no separate grounds are alleged.

- Paragraph 130: no without prejudice offer has been disclosed to the Tribunal, still less any offer which the Respondents have bettered.
- Conclusions paragraph: the Tribunal weighed the evidence before it. Both parties had the opportunity to seek permission to call expert evidence on standard of works, but failed to do so.

Judge:

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S J Evans

Date:

12/2/26