



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

Case reference : CAM/26UE/LSC/2023/0066

Property : 52 Boreham Holt, Elstree, WD6 3QQ

Applicant : Michael Epstein

Representative : Litigant in person

Respondent : Boreham Holt Management Limited

Representative : Elliot Esterson, on behalf of Trent Park Properties

Type of application : Application for permission to appeal

Tribunal members : Judge Bernadette MacQueen
Sarah Redmond, MRICS

Venue : 10 Alfred Place, London WC1E 7LR

Date of decision : 12 May 2025

DECISION REFUSING PERMISSION TO APPEAL

DECISION OF THE TRIBUNAL

1. The Tribunal has considered the Applicant's request for permission to appeal dated 25 April 2025 and determines that:
 - (a) it will not review its decision; and
 - (b) permission be 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.
5. 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

6. The test for whether to grant permission to appeal is whether there is a realistic prospect of success.
7. In the present case, the Tribunal does not consider that any ground of appeal has a realistic prospect of success.
8. For the benefit of the parties and the Upper Tribunal (Lands Chamber), the Tribunal records below its comments on the grounds of appeal and any procedural points raised.

Ground 1 – The Applicant Should Not be Held Liable for the Respondent's Costs

9. An oral hearing was held on 27 March 2025 and the Tribunal produced a written decision dated 7 April 2025. The Tribunal determined the application in favour of the Respondent and found that the Applicant was liable to pay £3,959.13 in respect of external and internal decorating works at the Property for the service charge year 2023.
10. The Tribunal set out its reasons for this decision in its written decision dated 7 April 2025.
11. The Tribunal did not make an order under section 20C of the Landlord and Tenant Act 1985 or under paragraph 5A of Schedule 11, Commonhold and Leasehold Reform Act 2002. The Tribunal set out its reasons for this in its decision. The Tribunal stated as follows:

“Application under section 20C of the 1985 Act and paragraph 5A of Schedule 11 to the Commonhold and Leasehold Reform act 2002

31. *In the application form the Applicant applied for an order under section 20C of the 1985 Act, namely an order that all or any of the costs incurred, or to be incurred, by the landlord in connection with proceedings before the Tribunal are not to be regarded as relevant costs to be taken into account in determining the amount of any service charge payable by the tenants.*
32. *Having heard the submissions from the parties and taking into account the determinations above, the Tribunal determines that it is not just and equitable in the circumstances for an order to be made in favour of the Applicant under section 20C of the 1985 Act. The Applicant was unsuccessful in the Application made, and in the circumstances the Applicant's application for an order under section 20C of the 1985 Act is dismissed.*
33. *The Applicant did not make an application under paragraph 5A of Schedule 11 to the Commonhold and Leasehold Reform Act 2002 ("the 2002 Act") in his application form. The initial directions made on 28 August 2024 stated that the Applicant did not seek an order to reduce or extinguish the tenant's liability to pay an administration charge in respect of litigation costs under paragraph 5A of Schedule 11 to the Commonhold and Leasehold Reform Act 2002 "but may wish to take advice on this".*
34. *The Applicant confirmed at the hearing that he had not taken advice on this aspect and asked the Tribunal to consider making an order under paragraph 5A. The Respondent submitted to the Tribunal that such an order should not be made.*
35. *Having heard the submissions from the parties and taking into account the determinations above, the Tribunal determines that it is not just and equitable in the circumstances for an order to be made in favour of the Applicant under paragraph 5A of Schedule 11 to the Commonhold and Leasehold Reform Act 2002. The Applicant was unsuccessful in the application made and in the circumstances the Applicant's application for an order is dismissed.*
36. *The amount that the Respondent may require the Applicant to pay is not before the Tribunal at this time. However, the Tribunal notes that any cost must be reasonable. As an observation only, the Tribunal notes*

that the Respondent produced a full bundle which contained duplication. In particular, the Respondent contacted all of the leaseholders in the block and obtained witness statements from all but one of them. These statements were in a broadly similar format and did not assist the Tribunal given that Mohammed Aziz was able to give evidence as to the steps he had taken to serve the consultation notice.”

12. Other than this permission to appeal, no further application has been made to the Tribunal and the Tribunal has not made any other order in respect of costs in this matter.

Ground 2 - Whether the Costs Charged by the Respondent are Reasonable and further to consider if they are payable

13. The grounds of appeal appear to relate to costs that the Respondent has demanded from the Applicant following the Tribunal’s determination.
14. The Applicant has not made an application to the Tribunal for a determination as to whether the costs that the Respondent is seeking are payable and reasonable. This matter is therefore not before the Tribunal.
15. The Applicant has previously been told by the First-tier Tribunal office that he may wish to seek his own independent legal advice.

Leave to Appeal

16. The Applicant states several times in his application that he has been granted leave to appeal. The Tribunal is not aware of what the Applicant means by this as this decision is refusing permission to appeal.
17. The Applicant may wish to take his own independent legal advice on the procedure for appeals.

Name: Judge Bernadette MacQueen

Date: 12 May 2025