



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

**Case reference** : **CAM/00MX/MNR/2024/0143**

**Property** : **24 Bridge Place  
Amersham  
Bucks  
HP6 6JF**

**Applicant** : **Deepak Shah & Gita Shah  
(Landlord)**

**Representative** : **None**

**Respondent** : **Julian Thomas &  
Melissa Thomas  
(Tenant)**

**Representative** : **None**

**Type of application** : **Application by the Landlord for  
review & permission to appeal**

**Tribunal** : **N. Martindale FRICS**

**Date & Venue** : **30 January 2025  
HMCTS, Cambridge  
County Court 197 East St.  
Cambridge C1 1BA**

**Date of decision** : **30 January 2025**

---

**DECISION**

---

## Decision

1. The Tribunal has considered the landlord's applications for a review, and permission to appeal, of 14 January 2025 and determines that:
  - (a) it will not review its decision of 9 December 2024 ('the Decision');
  - (b) permission to appeal, is not granted.
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 respondent 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 decision to the party applying for permission to appeal. In this case permission to appeal has not been granted by the First Tier Tribunal.
3. 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](mailto:lands@hmcts.gsi.gov.uk)

## Reason for the Decision

4. *"The requirement of leave to appeal requires one to submit one's grounds of dissatisfaction for scrutiny to see whether they have sufficient merit to justify an appeal."* [Saleem v SoS for the Home Department [2001] 1 WLR 443, per Hale LJ @459]. However; *"It is Parliament's wish and intention that resources should not be devoted to continuing appeals at higher levels if an appeal fails to cross the threshold test of permission to appeal."* [Moyses v Regal Mortgages Ltd [2004] EWCA Civ 1269, per Brooke LJ @ 31].
5. Rule 55, Property Chamber Rules 2013, restricts the power of review: *"The Tribunal may only undertake a review of a decision – (a) pursuant to rule 53 (review on an application for permission to appeal); and (b) if it is satisfied that a ground of appeal is likely to be successful."*
6. The Tribunal does not routinely carry out inspections of properties in determining market rents, as was the case here.
7. In the reference to the Tribunal, a copy of the Notice of Rent increase was included, due to take effect on 3 September 2024. The application to the Tribunal was determined on 9 December 2024. Among other matters the tenants made representations on the issue of hardship arising to them from the rise in rent proposed. In setting the rent under S.14 of the Act the Tribunal is entitled to take some account of this element of hardship to tenants, by delaying the effective date of the new rent to that of the decision itself: In this case, it did so.

8. The landlord contested the use and availability of the shed. The tenant had also made representations on it. On the balance of probabilities of the conflicting evidence before it, the Tribunal preferred that from the tenants. The Tribunal also preferred the tenant's evidence that, whilst many of the repairs mentioned were by now historic, their nature, extent and frequency supported the expectation of a tenant, that other disrepair might reasonably be expected in the next 12 months period. To reflect these two minor deductions, the Tribunal made the small deduction in the rent of £35 pcm.
9. The Tribunal noted the representations made to the landlord from both agents as referred to by the landlord, but it took them primarily as part of their pitch seeking letting instructions, rather than independent rental valuations. It therefore gave them relatively little weight.
10. The refusal of permission to appeal is because on the grounds stated, they are not arguable. There is no realistic prospect of success.

**N Martindale FRICS**

**30 January 2025**