



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

Case reference : **MAN/00BT/MNR/2026/0188**

Property : **2 Carter Close, Denton. Manchester,
M34 6AH**

Applicant : **Sara Younis**

Representative : **----**

Respondent : **Chris Summerfield**

Representative : **My Property Club Limited**

Type of application : **Application for permission to appeal –
Rule 52 of the Tribunal Procedure Rules
2013
Determination of a Market Rent
sections 13 & 14 of the Housing Act 1988**

Tribunal member(s) : **Judge J Dobson**

Date of decision : **17th August 2026**

SET ASIDE OF DECISION DATED 6th JULY 2026

1. The Tribunal issued a Decision dated 6th July 2026. The Respondent has sought permission to appeal by application dated 15th July 2026.
2. The Respondent (I retain the titles in the original proceedings) has ticked all of the boxes which provide broad reasons for the application. The more detailed submissions do not demonstrate the basis on which most

of those would apply and it would have been preferable if greater thought had been given to which reason(s) may be applicable and why.

3. The submissions identify three asserted procedural failings, as follows:
 - i) A failure on the part of the Tribunal to provide the Applicant's MR1 application form in the "correct layout". It is asserted that the incorrect layout asserted rendered it "impossible" for the Respondent to "submit a proper response";
 - ii) The Respondent was advised that as the Applicant had, it is said (but not evidenced, although nothing turns on that for the purpose of this immediate decision), resumed rent payments, the matter would be referred to a Legal Officer.
 - iii) The Respondent was advised by telephone to complete a Withdrawal 1 form and provide that to the Applicant, which the Respondent did.
4. It is argued that in combination the result was procedural unfairness and hence wider unfairness in the proceedings.
5. I do not understand the first limb. The Tribunal appears to have sent the MR1 form in the usual way. In any event, there is no information provided as to why the format of the document as received by the Respondent, whatever that was, prevented a response from the Respondent. The file reveals that the relevant forms were sent to the Respondent's representative twice. No item of correspondence is revealed to have been received querying the format or suggesting any difficulty with responding. I reject that limb as demonstrating any unfairness.
6. As to the second limb and third limbs, I note that the file includes correspondence to the Respondent's representative, after a referral to a Legal Officer, informing the representative that as the Applicant had not withdrawn, the case continued. The Respondent cannot withdraw an Applicant's application as the correspondence correctly stated. The Tribunal did as the Respondent asserts it said it would and gave a clear explanation of the position thereafter. The Tribunal was also copied into correspondence from the representative to the Applicant about rent being paid and believing the rent to be agreed. However, that could take matters nowhere in itself. The necessary response from the Applicant which might have confirmed agreement was not sent to the Tribunal. This limb also largely lacks merit as presented.
7. Nevertheless, on 16th June 2026 the Respondent submitted a withdrawal form of the nature that the Tribunal had already clearly stated could not lead to the case being withdrawn. There was also an application submitted that the proceedings or the Respondent's details should not be disclosed.
8. The problem I identify is that the Tribunal did not identifiably respond to those applications. They do not seem to have been acknowledged to

the Respondent or sent to the Applicant and no decision was made about them. Instead, the substantive application such as it had been received was sent to Tribunal members and a Decision made dated as above. I have borne in mind that the Decision was made in awareness of the Respondent attempting to have the application withdrawn, to which the Decision refers and in correct terms.

9. I have carefully considered the appropriateness of the approach I take below because, as will be identified from the above, the Respondent was given ample opportunity to submit a response to the application, has demonstrated no good reason not to so respond, but did not in fact respond. It is strongly arguable that but for the Respondent's submitted documents, the Respondent could have no proper complaint about the Tribunal proceeding on the cases as submitted in accordance with the Tribunal's requirements, which is to say the Applicant's case only.
10. Rule 53 of The Tribunal Procedure (First Tier Tribunal) Property Chamber Rules 2013 provides that review of the Decision is the matter which the Tribunal must consider first on receiving an application for permission to appeal. Rule 55 provides that a First Tier Tribunal may undertake a review of a decision only if it is satisfied that a ground of appeal is likely to be successful. In *Scriven v Calthorp Estate* [2013] UKUT 0469 (LC), the existence of the discretionary power of the First Tier Tribunal to review its decisions was highlighted.
11. The Tribunal may also pursuant to rule 51 set aside a decision which disposes of proceedings if the Tribunal considers it in the interests of justice to do so and one of a set of relevant features applies. Three specific circumstances are listed, followed by a more general one of "some other procedural irregularity".
12. I consider that the combination of the failure to acknowledge the Respondent's communications of 16th June 2026, to provide those to the Applicant for any comments and to make any decision about the disclosing details application plus commenting on the attempted withdrawal and equally failing in those circumstances explaining that the substantive application would proceed to be considered- hence preventing any application in relation to that course- in this instance meets the description of being a procedural irregularity. As to what the outcome would otherwise have been is a different matter. It could have been the same, and certainly nothing in this document should be taken as impugning the approach taken by the Tribunal members who made that Decision, but the parties would have known the position and the approach the Tribunal was adopting (and as I have touched upon, could have sought to challenge that and/or take other steps if considered appropriate).
13. I therefore consider that the Tribunal should now exercise powers to set aside the Decision and I do so.

14. The Tribunal will therefore re- make a decision with regard to the market rent in such terms as it considers appropriate having considered the evidence and submissions provided by the parties, unless anything happens to change that. If the Applicant wishes to withdraw and applies to do so or if the Respondent wishes to seek more time for the MR2 and any evidence, those matters can be considered- that is not to give any expectation of such necessarily being granted, an issue to be considered on the basis of any evidence and arguments advanced if such an application is made. I am mindful that unless the Tribunal is given reason to do otherwise, there may be a new decision in the same substantive terms as the previous one (and the parties might carefully consider that potential), with expenditure of further resources for no substantive effect. However, I have considered that not sufficiently weighty to make it appropriate for a different approach to be taken. I consider it appropriate to allow a period, although it should not be a long one, for any application or development.
15. I take the opportunity to determine the Respondent's application under rule 17 of The Tribunal Procedure (First Tier Tribunal) (Property Chamber) Rules 2013, that is to say for the prevention of disclosure or publication of documents and information. That is expressed in fact as being made under rule 14 but rule 14 deals with representatives and so I take it that there has been a clerical error.
16. There is a very strong principle of open justice. The Tribunal may, but it is a matter of discretion and judgement and the Tribunal does not have to, grant an application where, pursuant to rule 17(2) the Tribunal is satisfied that there would be likely to be serious harm to a person (or some other person) and that, having regard to the interests of justice, it is proportionate to give such a direction.
17. The only basis given on behalf of the Respondent is that it is said that confidential information of the landlord would be revealed. No explanation is professed as to what that information is, nor more importantly is there anything which engages with the grounds on which the Tribunal could grant the application. There is nothing like a basis provided for such application being successful.
18. The application is therefore refused.
19. I have considered whether further directions more generally are required but consider that those are only required if the Respondent seeks more time for a case and persuades the Tribunal to allow that, in which event that time will need to be provided for and time for the Applicant to reply, but that otherwise there would be no need for directions.

DECISION AND DIRECTIONS

Set Aside

20. The Decision dated 6th July 2026 is set aside.

Further Directions

21. The Tribunal will determine the market rent for the Property as soon as practicable after 14 days from the date of issue of this Decision.

Respondent's application

22. The Respondent's application for prevention of disclosure or publication of documents or information is refused.