



Case Reference : CHI/19UG/LIS/2013/0109

Property : 30, 33 and 37 Churchill Court, Downfield,
Winterbourne Stickland, Dorset, DT11 0NF

Applicants : Thomas Maidwell (Flat 37)
Kelvin Sturt (Flat 30)
Antony Abbott (Flat 33)

**Applicants'
Representative** : Thomas Maidwell

Respondent : Spectrum Housing Group

**Respondent's
Representative** : Mr Clive Adams of Capsticks Solicitors

Type of Application : Section 27A of the Landlord and Tenant Act 1985

Tribunal Members : Judge J Brownhill (Chair)
Mr A J Mellery-Pratt
Mr J Mills

**Date and venue of
Hearing** : 22nd January 2014
The Crown Hotel, West Street, Blandford Forum,
Dorset.

Date of Decision : 3rd February 2014

- 1 In light of the Applicants' application for permission to appeal the Tribunal considered whether there are grounds to review its decision under Rule 53 of The Tribunal Procedure (First Tier Tribunal) (Property Chamber) 2013. The Tribunal concluded that there are no grounds to review its decision.

- 2 Further the Applicants' application for permission to appeal (as contained in their undated letter received on 05/03/2014) is refused.
- 3 The Applicants' submission for leave to appeal contains no reasonable grounds for concluding that the Leasehold Valuation Tribunal erred in law or that there is any other valid ground of appeal. The Tribunal has had regard to the importance of the points raised by the Applicant to the decision itself, and in terms of its wider implications and to the proportionality of an appeal.
- 4 The Tribunal further notes as follows:
 - a. Whatever the sympathies of the Tribunal may be, the Tribunal is not able, as a matter of law, to consider the Applicants ability to afford to pay service charges. This was explained to the parties on several occasions during the hearing and such explanation is repeated in the Tribunal's written decision at paragraphs 13, 14 and 15;
 - b. Nor can the Tribunal consider the position of other residents than the Applicants or whether other residents pay no service charges or are not aware of what they are paying;
 - c. The question of whether the 'system' –by which we assume the heating apparatus – is efficient or not was not a matter on which any evidence was presented to the Tribunal by the Applicant or the Respondent Landlord: and
 - d. The Applicants were repeatedly given every opportunity to explain their case to the Tribunal.

Dated: 7th March 2014

Judge J Brownhill (Chair)