



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

Case Reference	:	CAM/11UB/LSC/2020/0026
Property	:	60 Brooks Mews, Aylesbury, Bucks HP19 8FU
Applicant	:	Charles Ghunney [in person]
Respondent	:	Catalyst Housing Ltd
Representative	:	Byroni Kleopa, counsel instructed by Penningtons Manches Cooper
Type of Application	1	for determination of reasonableness and payability of service charges for the years 2015/16 to 2020/21 [LTA 1985, s.27A]
	2	for limitation of the respondent's ability to include its costs of these proceedings when calculating the service charge due from the applicant for this or any other year [LTA 1985, s.20C]
Tribunal	:	Judge G K Sinclair
Date of Hearing	:	Monday 16 th November 2020, by BTMeetMe telephone conference call
Date of substantive decision	:	20 th November 2020
Date of this decision	:	17 th December 2020

DECISION REFUSING PERMISSION TO APPEAL

Decision of the tribunal

1. On 30th November 2020 the tribunal received an application by the applicant

leaseholder seeking permission to appeal the tribunal's decision dated 20th November 2020.

2. The tribunal has considered the application by the applicant for permission to appeal and determines that :
 - a. it will not review its decision; and
 - b. permission be refused.
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 proposed appellant 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.

Reasons for this decision

4. The tribunal's decision was based on the evidence and submissions put before it, before or during the hearing. The tribunal was also conscious of the fact that the amount in dispute was only in the order of £500, reminded the parties that this would be a very small claim in the County Court meriting a hearing of no more than an hour, and that under the overriding objective dealing with a case fairly includes dealing with the case in ways which are proportionate to the importance of the case, the complexity of the issues, the anticipated costs and the resources of the parties and of the tribunal.
5. Following a half hour adjournment with a view to narrowing the issues or settlement the parties agreed that "the applicant is not against paying the FirstPort service charge, but that includes a management fee. His issue is that he wants to see what they are paying for, and what they are actually doing".
6. In his application for permission to appeal the applicant raises :
 - a. The respondent's failure to produce evidence justifying the deficit of £105.84 on his service charge account
 - b. The fact that the other party produced an unwieldy 700 page plus bundle and was legally represented, while he was not
 - c. The fact that the hearing (and earlier CMC) took place by telephone rather than in person
 - d. The comparison in size of service charge between his current property and a previous one (the circumstances of which are unknown)
 - e. The over-complexity in charging on this estate, involving "5 different categories of owners"
 - f. The non-application of a £25.03 credit to his service charge summary of expenditure in September 2020.
7. The tribunal can only deal with the application put before it, which in this case lacked detail due to the applicant's failure to particularise his complaints in the required schedule. While sympathising with his predicament, and castigating the respondent for its unnecessarily complex and confusing method of billing (and seeking two separate management fees for itself and its agent FirstPort), there is nothing in the application for permission to appeal which, in accordance with the

criteria for appeals adopted by the Upper Tribunal, raises reasonable grounds for arguing that the tribunal failed to take account of a relevant consideration or evidence.

Dated 17th December 2020

Judge G Sinclair
First-tier Tribunal Judge