



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

Case reference : **CAM/33UF/LIS/2020/0016**

HMCTS code (paper, video, audio) : **P:PAPERREMOTE**

Property : **18 Trafalgar Court, 42 Cromer Road,
Mundesley, Norfolk NR11 8DB**

Applicant : **Alan Walter Roper**

Respondent : **London Land Securities Limited**

Type of application : **Application for permission to appeal**

Tribunal members : **Judge David Wyatt
Mr G F Smith MRICS FAAV REV**

Date of decision : **2 July 2021**

DECISION REFUSING PERMISSION TO APPEAL

Covid-19 pandemic: description of hearing

This has been a remote decision on the papers. The form of remote decision was P:PAPERREMOTE. A hearing was not held because it was not necessary; all issues could be determined on paper. The documents we were referred to are those described in our decision dated 26 March 2021 (the “**Decision**”) and the Applicant’s grounds of appeal sent by letter dated 13 June 2021 addressed to the Regional Judge, the contents of which we have noted.

DECISION OF THE TRIBUNAL

1. The tribunal has considered the Applicant’s request for permission to appeal based on the grounds of appeal provided and determines that:
 - (a) it will not review its Decision; and
 - (b) permission is refused.

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 Applicant 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.
3. Where possible, you should send any such further application for permission to appeal **by email** to Lands@justice.gov.uk, as this will enable the Upper Tribunal (Lands Chamber) to deal with it more efficiently. Alternatively, 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).

REASONS FOR THIS DECISION

4. The Decision was made on 26 March 2021 and sent to the parties by the tribunal office by 6 April 2021. By rule 52 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 (the “Rules”), any application for permission to appeal must be received by the tribunal within 28 days of that date (i.e. by 4 May 2021). The application, by letter dated 13 June 2021, was received by the tribunal office on 15 June 2021. No application was made for an extension of time and the application gives no good reasons for an extension. In the circumstances the application is out of time and by Rule 52(4)(b) must not be admitted.
5. We consider that, even if the application had been admissible, the grounds of appeal would not have any realistic prospect of success. If on subsequent sale of the lease the landlord sought other sums in addition to the service charges determined by the tribunal, that is not something the tribunal had jurisdiction to intervene in and it is said to have happened in late May 2021, long after the Decision had been made. Previous decisions by tribunals in this jurisdiction had determined the service charges payable for periods up to 30 June 2011. If the parties failed to act at the relevant times to bring the account up to date, the tribunal could not in 2021 assist further with that, as explained in the Decision. The Decision determined only the service charges payable for the period from 1 July 2011 until 6 August 2012, for the reasons explained in the Decision. As explained to the applicant at a case management conference at the outset of his substantive application and confirmed in the case management directions, the tribunal had no jurisdiction in these proceedings to determine any disputed ground rent or interest. The applicant was repeatedly reminded of the need to take properly informed independent legal advice.