



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

**Case reference** : **CAM/00KG/HNA/2019/0016**

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

**Property** : **521 London Road, South Stifford  
Grays, Essex RM20 4AD**

**Applicant** : **Palmview Estates Limited**

**Representative** : **Mr Mordechai Sternlicht**

**Respondent** : **Thurrock Council**

**Representative** : **Mr Nicholas Ham, instructed by  
Thurrock Council**

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

**Tribunal members** : **Judge David Wyatt  
Judge Wayte  
Mr John Francis QPM**

**Date of decision** : **1 November 2022**

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**DECISION**

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**Covid-19 pandemic: description of determination**

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 described in paragraph 4 below. We have noted the contents.

## **Decisions of the tribunal**

1. The tribunal has considered the request for permission to appeal based on the grounds of appeal provided and decided that:
  - (a) the tribunal will not review its Decision; and
  - (b) permission to appeal 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, each party who applied for permission to appeal 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](mailto: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 (telephone: 020 7612 9710).

## **Reasons**

4. Our substantive decision on the remaining issues in the Applicant's appeals against financial penalties imposed by the Respondent in respect of the Property was made on 29 September 2022 (the "**Decision**"). On 27 October 2022, the tribunal received a handwritten document from the Applicant seeking permission to appeal and giving their grounds of appeal. We have taken that document, and those described in the Decision, into account.
5. We consider that none of the grounds of appeal have any realistic prospect of success. We do not propose to comment on these in detail because they largely repeat arguments we took into account in the Decision or simply disagree with our assessments. However, for the benefit of the parties and of the Upper Tribunal (Lands Chamber) (if any further application for permission to appeal is made), we comment below on some of the particular points raised by the Applicant. Please read these comments with the Decision, which explains the background and the expressions used. References below in [square brackets] are to those paragraphs in the Decision.

## *Documents*

6. We did not refuse to consider any documents. At the hearing, Mr Sternlicht said the Applicant had sent documents to the Respondent which had not been included in the supplemental hearing bundle. Mr Sternlicht mentioned bank statements in particular (holding up various

documents he had brought with him) and said Mr Margolis from Pointview had not been willing to come to the hearing. We said that if Mr Sternlicht wanted us to look at anything which was not in the bundles he should show it to Mr Ham to check whether the Respondent had any objection and we could then consider whether to take it into account. Mr Sternlicht did not pursue this or ask for more time.

7. During the hearing, we confirmed we had seen the letter in the bundle from Mr Margolis [14] and had noted Mr Sternlicht's evidence in his witness statement about what rental income had been received and when it had been received.
8. Even now, the Applicant has not produced the witness statement referred to in their grounds of appeal. The Applicant says that in this statement Mr Margolis accepted full responsibility for letting out the two vacant units against clear instructions. That appears inconsistent with the contents of the letter from Mr Margolis [14], but in any event it would not have changed our decision. We had already accepted that following the prohibition orders in 2017 the Applicant had instructed Pointview not to let the two vacant flats. We did not doubt Mr Sternlicht's evidence about what he understood his secretary had said to Pointview in his absence in 2018 [14]. Evidence from Mr Margolis that he now accepted full responsibility would not have changed our assessment that we were not satisfied the Applicant had done enough to ensure their agents were reliable and to ensure that new tenants would not be allowed into either of the two vacant rooms [32 and 60].

*Substantial/substantial professional landlord*

9. At the hearing, Mr Sternlicht did not dispute that the Applicant was a substantial professional landlord. We did not take or use that expression to mean a landlord with a large number of HMO properties. We understood it to mean a landlord whose business includes letting out several residential properties (in contrast to a new landlord operating as a business with a single property, for example, or a private individual letting out their home). The Applicant had explained the nature of their property business and why they had chosen their HMO market, that they had several HMO properties and that they did not need to deal with HMO licensing for most of their other properties because they were generally let to housing associations, as summarised at [4].

**Name:** Judge David Wyatt

**Date:** 1 November 2022