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

Case Reference : CHI/29UQ/LSC/2014/0043
CHI/29UQ/LDC/2014/0020

Property : Second and third floor flat, 5 Grove Avenue, Tunbridge Wells,
Kent TN1 1UP

Applicant : Mr C R Slatford

Representative : None

Type of Application : Permission to appeal, set aside decision, and stay

Tribunal Members : Judge A Johns (Chairman)
Mr B H Simms FRICS (Surveyor Member)
Miss J Dalal (Lay member)

Date of Decision : 12 January 2015

**DECISION ON APPLICATION FOR PERMISSION TO APPEAL, TO SET
ASIDE, & FOR A STAY**

On Mr Slatford's applications for permission to appeal the decision of 17 November 2014 as to payability of service charges, to set aside the decision and for a stay, the Tribunal decides as follows:

1. The application to set aside the decision logically comes first. That application is refused. There was neither a procedural irregularity nor non-receipt of a document by the Tribunal. In any event, it would not be just to set aside the decision. Mr Slatford suggests a conflict of interest on the part of the landlord's solicitor and that he would like to have given further evidence, but neither point was taken in the proceedings. And neither point is likely to have affected the outcome.

2. As to the application for permission to appeal, the Tribunal has first considered whether to review its decision and decided not to do so. There is no clear error.

3. The application for permission to appeal is refused. An appeal has no real prospect of success. The decisions as to reasonableness and dispensation were made on the evidence. And there was no evidence to support any suggestion of unreasonableness or prejudice. The decision did not rest on a finding that Mr Slatford had received the landlord's letters.

4. 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.

5. The application to stay the implementation of the decision is refused. An appeal has no prospects of success and there has been no payment of service charges for a number of years.

Judge A Johns

Dated 12 January 2015