



12825

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

Case reference : **LON/00AF/LSC/2017/0365**

Property : **10 Anerley Station Road, London,
SE20 8PT**

Applicant : **Sarah Minchin**

Representative : **In person**

Respondent : **Hunterquick Ltd**

Representative : **In person**

Type of application : **Application for Permission to
Appeal**

Tribunal Members : **Judge Robert Latham
Michael Taylor FRICS**

Venue : **10 Alfred Place, London WC1E 7LR**

Date of decision : **8 June 2018**

DECISION

1. The Tribunal has considered the Respondent's application, dated 31 May 2018, seeking (i) an extension of time within which to seek permission to appeal and (ii) permission to appeal. The Tribunal's decision is dated 9 April 2018. The Tribunal sent a copy of its decision to the parties by first class post on 9 April. The Respondent should have applied for permission to appeal no later than 7 May. The current application was received by the Tribunal on 1 June 2018. The Tribunal has considered the Respondent's application and has determined that it will not grant an extension of time in which to appeal.

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 Respondent may make further application 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. 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); or by email: lands@hmcts.gsi.gov.uk .

REASON FOR THE DECISION

4. The Respondent landlord has applied for (i) an extension of time within which to seek permission to appeal and (ii) permission to appeal. The Tribunal declines to extend time for any appeal and therefore has no jurisdiction to determine the application for permission to appeal. In any event, the Respondent has not provided details of any arguable grounds of appeal. The Tribunal annexes Rule 52 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 to this decision.
5. On 9 April 2018, the Tribunal sent a copy of the decision to the parties by first class post. The Tribunal is satisfied that the Respondent would have received this in the normal course of the post. On 30 April, the Respondent wrote to the Tribunal requesting reasons for its decision, stating that the Respondent intended to lodge an application for permission to appeal. On 2 May, the Tribunal responded that it had given reasons for its decision. The Respondent was reminded that if it wished to challenge that decision, it needed to seek permission to appeal. If that application was not issued within 28 days of the Tribunal having sent out its decision, the Respondent would also need to seek an extension of time.
6. The application for permission to appeal was received on 1 June 2018. This was not only more than 28 days after the Tribunal had sent its decision to the parties, it was also more than 28 days after the Tribunal had sent its e-mail of 2 May. The Respondent has provided no adequate explanation for this delay.
7. The Respondent raises two interrelated Grounds of Appeal, neither of which are arguable. The Tribunal made no finding as to what service charges had been paid by the tenant. Our decision rather addressed the payability and reasonableness of the service charges that had been demanded. There is therefore no presumption as to what sums, if any, are repayable.

Judge Robert Latham
8 June 2018

Appendix

The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 (SI 2013 No.1169)

Rule 52 – Application for permission to appeal

(1) A person seeking permission to appeal must make a written application to the Tribunal for permission to appeal.

(2) An application under paragraph (1) must be sent or delivered to the Tribunal so that it is received within 28 days after the latest of the dates that the Tribunal sends to the person making the application—

- (a) written reasons for the decision;
- (b) notification of amended reasons for, or correction of, the decision following a review; or
- (c) notification that an application for the decision to be set aside has been unsuccessful.

(3) The date in paragraph (2)(c) applies only if the application for the decision to be set aside was made within the time stipulated in rule 51 or any extension of that time granted by the Tribunal.

(4) If the person seeking permission to appeal sends or delivers the application to the Tribunal later than the time required by paragraph (2) or by any extension of time under rule 6 (3)(a) (power to extend time)—

- (a) the application must include a request for an extension of time and the reason why the application was not received in time; and
- (b) unless the Tribunal extends time for the application under rule 6 (3)(a) (power to extend time) the Tribunal must not admit the application.

(5) An application under paragraph (1) must—

- (a) identify the decision of the Tribunal to which it relates;
- (b) state the grounds of appeal; and
- (c) state the result the party making the application is seeking.