



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

Case Reference : **CAM/26UF/LDC/2021/0004**

Property : **Quaker Yard, Meeting House Lane,
Baldock Herts SG7 5DJ**

Applicant : **Veltrim Ltd., (Landlord)**

Representative : **Eight Asset Management Ltd.
(Managing Agent)**

Respondents : **Leaseholders of Flats 3 - 5**

Representative : **None**

Landlord : **Veltrim Ltd.**

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

Tribunal : **N. Martindale FRICS**

Hearing Centre : **Cambridge County Court, 197 East
Road, Cambridge CB1 1BA**

Date of Decision : **31 March 2021**

DECISION

Decision

1. The Tribunal has considered the (appeal applicant) landlord's application for permission to appeal dated 30 March 2021 and determines that:
 - (a) it will not review its decision dated 29 March 2021 ('the Decision'); and
 - (b) permission be 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 respondent 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. 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 Decision sets out shortfalls in the application and in the bundle of documents. The applicant is a commercial company, with retained professionally qualified advisors. Whilst no one of these shortfalls was fatal to the application, taken as a whole the applicant's case failed to demonstrate a need sufficient for dispensation from the consultation process.
5. On two particular points raised: Firstly, while the applicant did supply the date by which it had complied with the Directions, it not state the actual date(s) on which it had served those documents on the leaseholders as the Directions specifically require at page 2, para 3. iii). This gave rise to justifiable concern that the leaseholders were unaware of the application, especially in the absence of their details and of any representations objecting or supporting the application. Secondly, the application form dated Thursday 28 January 2021 confirmed that the work of the EWS1 survey "...is due to take place next week", that is, by Friday 5 February 2021 at the latest. The work having been commissioned and completed well before the hearing date of 29 March 2021, no risk to the leaseholders through a lack of knowledge of risks and work required, arises. The report is also therefore, already available for any mortgage lender's advisers.
6. Directions from Regional Judge Wyatt, dated 3 February 2021 clearly state at page 3 para.6. *"By 19 March 2021, the applicant landlord shall send*

two copies of the bundle...” And at page 3 para.7: *“The bundle must contain all the documents on which the applicant landlord relies...”* Page 1 para 2., of the Directions makes clear: *“These Directions are formal orders and must be complied with.”* The current application lists or sets out other information, statements and documents which it now seeks to rely on. They could have been included in the bundle; they were not. The Tribunal does not consider documents provided piecemeal either before or after a determination. The Tribunal makes clear in advance in its Directions, that it relies on the contents of the bundle as a whole in order to determine an application at the paper hearing.

N Martindale FRICS

31 March 2021