

**Y TRIBIWNLYS EIDDO PRESWYL
RESIDENTIAL PROPERTY TRIBUNAL**

REF: RPT/0062/01/19

**In the Matter of Flats 1,2 and 3, 4 – 6 Chester Street, Mold, Flintshire, CH7 1EG
And in the Matter of an Application pursuant to sections 10,11 and 12 of Part 3
of Schedule 1 of the Housing Act 2004**

And in the Matter of an Application seeking permission to Appeal

Between

Applicant: Tramstack Limited

Respondent: Flintshire County Council

**Tribunal: Mr. Andrew Grant (Legal Chairperson)
Mr. Hefin Lewis (Surveyor)
Mr. Eifion Jones (Lay member)**

DECISION

Tramstack Limited's application for permission to appeal is refused.

Reasons

1. This is an application made by Tramstack Limited ("the Applicant") seeking permission to appeal against the decision of this Tribunal which was dated the 1st May 2019 ("the decision") and which varied the conditions of an Improvement Notice dated the 14th December 2018.
2. The application seeking permission to Appeal the decision is made on 3 separate grounds namely:
 - (i) No reasonable Tribunal could have come to the decision that was reached;
 - (ii) That the Applicant was successful and therefore the Tribunal should have made a costs order in favour of the Applicant;
 - (iii) The Tribunal should have made an order that the Applicant should not have to make any payment of the Local Authority's expenses as the Application was successful.

The Law

3. Permission to appeal will only be granted where;
 - (a) The Tribunal has wrongly interpreted or applied the law;
 - (b) The Tribunal has wrongly applied or misinterpreted or disregarded a principle of valuation or professional practice;
 - (c) The Tribunal has taken account of irrelevant considerations or failed to take account of relevant considerations or evidence or there was a substantial procedural defect;
 - (d) The point or points at issue is/are of potentially wide implication.

The Grounds upon which Permission to Appeal is sought

Ground 1

4. This ground of Appeal does not identify any defect within the decision which would justify an order allowing the Applicant permission to Appeal. The decision was based upon the documents before the Tribunal and the factual evidence given by the witnesses at the hearing as set out in paragraphs 21 – 55 of the decision .In the circumstances, the Tribunal is satisfied that it was open to it to have reached the decision which it did upon the evidence before it and in doing so it did not act unreasonably.

Ground 2

5. This ground of appeal does not identify any reason why the Applicant should be granted permission to appeal.
6. At the hearing itself, the Applicant made no submissions to the Tribunal as to why the Local Authority should pay the Applicant's costs.

Ground 3

7. The grounds of appeal once again fail to identify any defect in the decision which would justify an order allowing permission to appeal.
8. The decision is clear as are the reasons why the decision was made. See paragraphs 92 - 95 of the decision. The Applicant failed to comply with the Tribunal's directions as regards the issue of the Local Authorities' expenses.

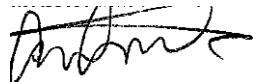
Conclusion

9. In the circumstances, the grounds of appeal have not been made out. None of the 3 grounds provide any basis for permission to appeal to be given and do not have any reasonable prospect of success.

10. Accordingly, the Application for permission to appeal is refused.

11. The Applicant may renew this application to the Upper Tribunal Lands Chamber within 14 days of receiving notice of this decision pursuant to Rule 21(2) of the Tribunal Procedure (Upper Tribunal) (Lands Chamber) Rules 2010.

Dated this 18th day of June 2019

A handwritten signature in black ink, appearing to read 'A Grant', written over a horizontal dashed line.

A Grant
Chairman