

Y Tribiwnlys Eiddo Preswyl

Residential Property Tribunal Service (Wales)

Leasehold Valuation Tribunal (Wales)

In the matter of an Application under Section 27A, and Section 19 of the Landlord and Tenant Act 1985.

Premises: 23 Arethusa Quay, Swansea, SA1 3XH
("the premises")

RPT ref: LVT/0050 0222

Applicant: Mr Phillip Green

Respondent: Chippingstone Property Management Ltd

Tribunal: Trefor Lloyd (Legal Chair)
Roger Baynham (Surveyor Member)
Carole Calvin Thomas (Lay Member)

DECISION ON APPLICATION FOR PERMISSION TO APPEAL MADE BY THE APPLICANT

Decision

Permission to appeal is refused

REASONS

1. Permission to appeal will only be granted where:
 - (a) The Tribunal wrongly interpreted or wrongly applied the relevant 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 or are of potentially wide implication

The Appeal Application

2. By way of an application dated the 4th October 2022 the Applicant seeks permission to appeal the decision of this Tribunal dated the 12th September 2022. Despite there being a form available on the LVT website which sets out the information required in order to seek permission to appeal the applicant has sought permission to appeal in what is akin to letter format. Despite this the document seeking permission to appeal contains all the relevant information required save that it does not specifically indicate which of the grounds A to D as set out in paragraph one above that is relied upon.
3. The Applicant's Grounds of Appeal are no more than further submissions on the substantive case dealing with procedural matters being:
 - (i) The timing of meetings;
 - (ii) The absence of accounts as required under the terms of the lease;
 - (iii) Absence of information about the values of the sinking fund;
 - (iv) Absence of budgets or estimates;
 - (v) A failure to propose a greater value sinking fund.
4. At the end of the document below the Applicant's name are items under the heading "Errors of Fact". Adopting the Applicant's numbering (which in turn emanates from the substantive decision) we have incorporated the Applicant's comments in italics followed by our comments in response:

10:1:iii Mr Green said the Company announced the internal painting would be in Spring 2020, he believes it was done in September 2021.

The timing of the internal painting is immaterial to our decision.

1:12 Mr Green made no comment on the interior decoration. His comments related to the external work.

This numbering does not correspond with numbering in the substantive decision. However, as a result of the decision having been taken to divide the work between interior and external painting the interior painting was below the threshold for a Section 20 consultation (paragraph 34 of the Judgment) and therefore not part of the matters to be determined by this Tribunal.

2:i The fee is for roof, planned expenditure and sinking fund Deed 3

Noted. In any event has no bearing on the decision reached by this Tribunal.

2:ii The total roof assigned part of the sinking fund since inception would reach £100,000

That is exactly what is stated in the corresponding paragraph of the Judgment (being

Para 12 Item 2 ii).

13. *The company said that all LVT documents would be available at the meeting.*

This is a matter of evidence that had no relevance to this Tribunal's decision.

18. *Refers to the Part1 consultation, There was no Part 2 consultation.*

Noted. This part of the Judgement will be amended by the slip rule and an amended decision sent to the parties.

19. *Mr green had sent a letter by post to the provided address.*

21. *No Estimate was referenced.*

23. *Mr Green stated that a Fire Risk Assessment is due every year but one had not been done, the Respondent did not disagree.*

25. *Mrs Leach cited one letter from the company that was returned to the sorting office, they had not retrieved but could not confirm the signature.*

All the above are matters of evidence that were recorded by the Tribunal as set out in the decision. In any event none of which have any bearing on the decision reached as clearly set out at paragraphs 52(i)- (x) inclusive.

5. The Grounds of Appeal relied upon by the Applicant are merely a repeat of his evidence and submissions at the hearing and the 'errors of fact' in so far as they exist do not have bearing upon the decision reached after consideration of all the evidence. In the circumstances the Applicant has no realistic prospect of successfully appealing the decision and permission to appeal is refused.

Dated this 27th day of October 2022

CHAIRMAN