

Residential Property Tribunal for Wales  
Y Tribiwnlys Eiddo Preswyl  
Leasehold Valuation Tribunal

Reference LVT/0022/07/24

In the matter of 14 Ffordd Glyder Y Felinheli Gwynedd LL56 4QX

And in the matter of an application under s27A, s19 and s20C of the Landlord and Tenant Act 1985

Applicant: Jasmine Jones

Respondent: Port Dinorwic Yacht Harbour Residential Estate Ltd (PDYHRE Ltd)

Tribunal panel: Gwyn Eirug Davies -Tribunal Judge  
Neil Martindale – Surveyor member  
Bill Brereton – Lay member

**Decision**

**The tribunal concludes that there is no arguable case that there are errors of law in the Decision. Accordingly, the application for permission is refused.**

1. The Applicant seeks permission to appeal against the decision ('the Decision') of the tribunal dated the 19<sup>th</sup> December 2024.
2. The Decision was sent to the Applicant by e-mail on the 19<sup>th</sup> December and the application to appeal was received on the 22<sup>nd</sup> December 2024. The application has therefore been filed within 21 days of receiving notification of the Decision, in accordance with regulation 20 of the Leasehold Valuation Tribunals (Procedure) Wales Regulations 2004.
3. Although the application has not been filed in the prescribed form it complies with the basic requirements in that it:
  - i) contains the name of the Applicant;
  - ii) identifies the decision to which it relates;
  - iii) identifies the alleged error or errors of law in the Decision and;
  - iv) states the result that the party making the application seeks.
4. The Applicant requests that the tribunal 're-evaluates its findings'. However, the regulations do not allow the tribunal to reconsider its decision and the appropriate course of action for the Applicant is to seek permission to appeal to the Upper Tribunal. Accordingly, this application will be treated as an application for permission to appeal.
5. The application for permission to appeal is in relation to Applicant's contention that there has been no section 20 Landlord and Tenant Act 1985 consultation and that this

is not addressed in the Decision. This aspect is fully addressed in paragraph 14 of the Decision and the Applicant is accordingly referred to that paragraph.

6. The Applicant puts forward four grounds of appeal which are addressed in order below:

- i) **Failure to provide evidence:** The tribunal indicated in its Decision that for the purposes of this appeal it was not necessary to establish details of the consultation process purportedly undertaken. The Applicant misinterprets the wording of the Decision. This does not in any way undermine the principles of fairness. The burden of proof in the first instance lay with the Applicant to establish that the interim service charges may have been unreasonable, and she failed to do so.
- ii) **Legal precedents:** The Applicant does not explain what principles are established in the case of **Wandsworth v Michalak [2001] 1 WLR 1578** and how they may be relevant to this case. The tribunal has considered this reported case and does not consider that it has any relevance to this appeal and the issues to be decided.
- iii) **Fairness and Equity:** The tribunal is satisfied that it evaluated the oral and written evidence in a fair and transparent manner and came to a decision on the basis of that evidence. The comments in para i) are relevant.
- iv) **Statutory interpretation:** There is no merit in this point. There is no question of allowing the Respondent to avoid accountability. A full explanation is given in paragraph 14 of the Decision. The Applicant misinterprets the Decision.

Dated this 14<sup>th</sup> day of January 2025

Tribunal Judge Gwyn E Davies