

Residential Property Tribunal for Wales

Y Tribiwnlys Eiddo Preswyl

Leasehold Valuation Tribunal

Reference LVT/0046/12/24

In the matter of 40 Bath Street Rhyl LL18 3LU

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

And in the matter of an application for permission to appeal

Applicants: Malgorzata Krol
Oladotun Shonowo
Agnes Oyewole
Anne Egbowawa

Respondent: G & O Estates Ltd

Tribunal panel: Gwyn Eirug Davies -Tribunal Judge
Neil Martindale FRICS – Surveyor member
Hywel Jones JP – Lay member

1. The Applicants seek permission to appeal against the decision ('the Decision') of the tribunal panel dated the 23rd March 2026.
2. The Decision was sent to the Applicant by e-mail on the 23rd March 2026 and the application to appeal was submitted to the Tribunal office by recorded delivery on the 13th April 2026. The letter was initially returned by the Royal Mail marked as not having been collected. By the time the application was received at the Tribunal Offices the 21-day time limit for filing a request for permission to appeal had elapsed. However, the tribunal has power to extend the time limit where a) it would not be reasonable to expect the applicant to request or to have requested permission within the 21-day period or b) where not to permit a request to be made out of time would result in substantial injustice.
3. We are content to accept that substantial injustice would be caused if the application were treated as having been filed out of time. The address on the envelope enclosing the application is correct (even if the name of the Tribunal is not) and the envelope has been correctly sent by recorded delivery.
4. Whilst we are content to extend the time limit for filing the application, the application itself does not fully comply with the requirements of regulation 37 (4) of the Leasehold Valuation Tribunals (Procedure) Wales Regulations 2004.

5. This regulation specifies that the application must be signed by or on behalf of the Applicants and must i) contain the name of the Applicants ii) identify the decision to which it relates, iii) state the grounds on which the Applicants intend to rely in the appeal.
6. Whilst the application has not been submitted on the prescribed form and neither has it been signed, we are satisfied that it complies with the other requirements of this regulation and we will accordingly consider the application.
7. The Applicants request that the tribunal, “review the apportionment and recalculate the amounts owed ensuring that all historic payments are properly credited and that the leaseholders are not unfairly burdened with costs arising from years of unfulfilled maintenance obligations”.
8. However, the regulations do not allow a tribunal panel to review or reconsider its decision and the appropriate course of action for the Applicants is to seek permission to appeal to the Upper Tribunal. Accordingly, this application will be treated as an application for permission to appeal.
9. The application for permission to appeal contends that the “Individual amounts apportioned to the Appellants are disproportionately high and do not accurately reflect the history of service charge payments or the level of maintenance carried out on the property”.
10. In support of this contention the Applicants put forward three grounds which can be summarised as follows, i) Lack of major works since 2007 despite continuous service charge payments, ii) Service charges paid to Praxis and Urbanpoint should be deducted and iii) Payments made by Ms Krol should also be deducted.
11. The grounds set out above bear no relevance to the issue addressed at the tribunal hearing. The focus of that hearing was the charges raised by the Landlord in respect of major renovation works carried out in 2023 and included in the service charge demand issued in April 2024. The evidence and submissions at the hearing focused on that matter and our findings in relation to that aspect are clearly set out with reasons in the Decision. The original application issued by the Applicants makes no reference to the issues set out in the application for permission for appeal and neither were those matters considered at the hearing. We therefore consider that there is no error of law in the Decision and the application is refused.

Decision:

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

Dated this 27th day of May 2025
G E Davies
Tribunal Judge