

Residential Property Tribunal for Wales

Y Tribiwnlys Eiddo Preswyl

Leasehold Valuation Tribunal

Case Reference : **LVT/0036/01/26**

Property : **Flat 19 Cadogan House, West Bute Street,
Cardiff CF10 5EN**

Applicant : **Mohamed Farghali Sayed Farghali &
Zizi Hassan Mohammed Zidan Mdawy**

Respondent : **Western Permanent Property Limited**

Type of Application : **Application to appeal**

Tribunal Members : **Judge Caroline Hunter
Tribunal Member Morgan Williams
Tribunal Member Hywel Jones JP**

Date of Decision : **5 August 2026**

DECISION

DECISION OF THE TRIBUNAL

1. The Tribunal has considered the applicant's request for permission to appeal dated 15 July 2026 and determines that permission be refused. It concludes that there is no arguable case that there are errors in law or material omissions or inadequacy of reasons made or given by the Tribunal.

REASONS FOR THE DECISION

2. This case was an application under Landlord and Tenant Act 1985, ss.19 and 27A for a determination of liability to pay and the reasonability of service charges for the flat for the years audited amounts for 2019 – 2024 and budget amounts for 2025 and 2026.
3. The Applicant seeks permission to appeal against the decision ('the Decision') of the Tribunal dated 24 June 2026.
4. The Decision was sent to the Applicant by e-mail on 29 June 2026 and the application to appeal was submitted to the Tribunal office by email on the 15 July 2026 being within the 21 day time limit for filing a request for permission to appeal.
5. The Applicant seeks permission to Appeal on 5 grounds (detailed below). Broadly they are characterised by the Applicants as errors of law namely, a failure to give adequate reasons and a misapplication of the statutory test under section 19 of the Landlord and Tenant Act 1985. Each Ground and the response of the Tribunal is set out below.

Ground 1

6. *The Tribunal failed to give adequate reasons for preferring the Respondent's unreferenced assertion that management fees had not exceeded inflation over the Applicants' fully referenced ONS-based analysis demonstrating that they had.*

7. The Tribunal based the Decision on the amounts charged (as evidenced). The question was not whether the fees were greater than inflation, but whether they were reasonable for the service provided, we took the view they were.

Ground 2

8. *The Tribunal accepted that the Respondent had engaged a specialist broker as sufficient to satisfy section 19 of the Landlord and Tenant Act 1985, without requiring or examining any positive evidence of what that engagement actually produced, and without addressing the Welsh Government funding point.*
9. The Tribunal heard the parties and was entitled to reach the Decision it did on evidence given. The Welsh Government funding was dealt adequately by the Tribunal but was not relevant to the question of whether the Applicants had to pay under the lease and whether the insurance costs were reasonable. The Applicant provided no evidence that the Welsh Government funding reduced premiums before works were completed.

Ground 3

10. *The Tribunal refused to admit competitive management quotations obtained by the Applicants from alternative managing agents for Cadogan House, giving no recorded reasons for the refusal, and thereby deprived itself of the only market-tested evidence available to inform its assessment of the Respondent's management fee.*
11. The application to admit evidence of further management quotes was made on 27 May 2026, a week before the hearing. The Applicants in their email of 27 May provided no reasons why this evidence was not available in line with the Directions. The Respondent had objected to admission of the evidence at this late stage on the proceedings (in an email of the same date).
12. The Tribunal considered both the further evidence and the Respondent's objections. We concede no reason was given but it was clearly a late in the day application to adduce other evidence that may have compromised the hearing date as the Respondent would not have had time to respond to the evidence. Further

the Tribunal is of the view that the failure to adduce reasons would not have altered the outcome.

Ground 4

13. The Tribunal did not engage at all with the Applicants' detailed compliance analysis of all 95 invoices submitted by the Respondent, notwithstanding that 28 of those invoices were found to be non-compliant with basic statutory and regulatory requirements.

14. At the hearing the first Applicant chose to focus on particular issues, that did not include this analysis. At para. 23 of the Decision the Tribunal makes it clear our view on all the matters complained. It was not necessary to provide a detailed decision about this analysis. The complaint that invoices from contractors do not meet regulatory requirements does not demonstrate that the works were not undertaken nor of a reasonable standard.

Ground 5

15. The Tribunal failed to engage with documentary evidence, including Companies House records demonstrating interlocking directorships between the freeholder, the Management Company, and the Respondent, together with evidence of the freeholder's insolvency, the leaseholders' exclusion from governance, and irregularities in the collection of Ground Rent - directly relevant to whether the disputed service charges were reasonably incurred and administered under sections 18, 19 and 27A of the Landlord and Tenant Act 1985.

16. Paras. 12 and 13 of the decision set out the background of ownership of the building and the Management Company. Given the freeholder PG Cadogan was dissolved, and the Respondent was only party in front the Tribunal this evidence was not relevant to the decision we had to make. Further none of the cases that the Applicants now rely on were cited by them in either their written or oral submissions.

A handwritten signature in black ink, appearing to read 'Caroline Hunter' with a stylized flourish at the end.

Tribunal Judge Caroline Hunter (Chair)

Date: 05/08/2026

APPENDIX TO THE DECISION
REFUSING PERMISSION TO APPEAL

For the benefit of the parties and of the Upper Tribunal (Lands Chamber), the tribunal records below its comments on the grounds of appeal, adopting the paragraph numbering of the original application for permission. References in square brackets are to those paragraphs in the main body of the tribunal decision.