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**Flat 501, Queens Park House, Queens Road, Coventry, CV1 3GX**

1 message

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**Midlands RAP** <rpmidland@justice.gov.uk>  
To: Flat Justice <office@flatjustice.org>  
Cc: Jordon Kellett <jordon.kellett@walkermorris.co.uk>

9 August 2024 at 13:07

**Premises: Flat 501, Queens Park House, Queens Road, Coventry, CV1 3GX**

Good morning

The Tribunal has considered the application for permission to appeal, and it has been refused.

A copy of the document recording the Tribunal's decision is attached.


Kind regards

Nicola Nalty

Case Officer

Midland Residential First-tier Tribunal

Centre City Tower | 5-7 Hill Street, Birmingham | B5 4UU

**DX:** Midlands (West) Employment Tribunal – DX: 360601 – Birmingham 5**Phone: 0121 600 7894**[gov.uk/hmcts](https://www.gov.uk/hmcts) HM Courts & Tribunals Service[Here is how HMCTS uses personal data about you](#)

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**Flat 501, Queens Park House appeal decision.pdf**  
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**FIRST-TIER TRIBUNAL  
PROPERTY CHAMBER  
(RESIDENTIAL PROPERTY)**

**Case references** : **BIR/00CQ/HMK/2023/0002**

**Properties** : **Flat 501, Queens Park House,  
Queens Road, Coventry CV1 3GX**

**Applicants** : **(1) Mr Christopher Bridges  
(2) Mr Morgan Pry  
(3) Ms Emily Smith  
(4) Mr Evan Williams**

**Representative** : **Flat Justice**

**Respondent** : **Unite Group plc (t/a Liberty Living  
Investments 1 Limited Partnership)**

**Representative** : **Walker Morris, Solicitors  
Ms Chetna Parmar, Counsel**

**Type of application** : **Application for permission to  
appeal award of Rent Repayment  
Orders**

**Tribunal members** : **Judge David R Salter  
Mr A Lavender BSc Hons, CEHP**

**Date of decision** : **11 June 2024**

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**DECISION**

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## DECISION OF THE TRIBUNAL

1. The Tribunal has considered the Applicants' request for permission to appeal dated 21 June 2024.
2. In accordance with the Tribunal Procedure (First-tier) (Property Chamber) Rules 2013, the Tribunal may only undertake a review of a decision pursuant to Rule 53 (review of an application for permission to appeal) having regard to the overriding objective in Rule 3 (dealing with cases fairly and justly) and that it is satisfied that a ground of appeal is likely to be successful.
3. In furtherance of Rule 53, the Tribunal determines that:
  - (a) it will not review its decision; and
  - (b) permission be refused.
4. Further, in accordance with section 11 of the Tribunals, Courts and Enforcement Act 2007 and rule 21 of the Tribunal Procedure (Upper Tribunal) (Lands Chamber) Rules 2010, the Applicants may make further application for permission to appeal to the Upper Tribunal (Lands Chamber). Such application must be made in writing and received by the Upper Tribunal (Lands Chamber) no later than 14 days after the date on which the First-tier Tribunal sent notice of this refusal to the party applying for permission to appeal.
5. Where possible, you should send your further application for permission to appeal **by email** to [Lands@justice.gov.uk](mailto:Lands@justice.gov.uk), as this will enable the Upper Tribunal (Lands Chamber) to deal with it more efficiently.
6. Alternatively, the Upper Tribunal (Lands Chamber) may be contacted at: 5th Floor, Rolls Building, 7 Rolls Buildings, Fetter Lane, London EC4A 1NL (tel: 020 7612 9710).

## REASONS FOR THE DECISION

7. The Applicants were successful in this case.
8. However, they seek to challenge through this application for permission to appeal the amount of each of the repayment orders awarded by the Tribunal (45% of the net rent). They submit that the amount of each order should be no less than 80% of the net rent having, initially, before the Tribunal sought an award of 100%.
9. In reaching its decision in the case, the Tribunal took into account and assessed the totality of the evidence (including such evidence as pertained to the EICR) and relevant legislation and case law (including the First-tier and Upper Tribunal decisions in *LDC (Ferry Lane) GP3 Ltd v Garro*).

10. Accordingly, the Tribunal affirms its decision on this issue and rejects the position adopted by the Applicants.
11. In addition, the Applicants seek to question the amount allowed by the Tribunal by way of deduction for the costs of utilities. In this respect, the evidence submitted by the Respondent on the costs of utilities was not confirmed or endorsed by supporting evidence. Consequently and in accordance with *Acheampong*, the Tribunal made an informed estimate which provided, in its opinion, a reasonable approximation of those costs that was referable to the Applicants' respective occupations of the property.
12. Therefore and similarly, the Tribunal rejects the Applicants' position on this issue.

**Name:** DR Salter

**Date:**

