



HM Courts
& Tribunals
Service

**Property Chamber
Northern Residential Property
First-tier Tribunal**

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Your ref:
Our ref: MAN/00BY/OAF/2014/0015

Date: 23 July 2015

Dear Sirs

RE: Leasehold Reform Act 1967 - Section 21(1)(a)

PREMISES: 20-22 Larkhill Place, Liverpool, L13 9BS

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 enclosed.

Yours faithfully

**Mr Garry Budsworth
Case Officer**



**FIRST - TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)**

Case Reference : **MAN/00BY/OAF/2014/0015**

Property : **20-22 Larkhill Place, Liverpool L13 9BS**

Applicants : **Sabah Elgadhy and Zara Elgadhy**

Representative : **Orme Associates**

Respondent : **Liverpool City Council**

Representative : **Hill Dickinson**

Type of Application : **Determination of price payable - section 21(1)(a) Leasehold Reform Act 1967**

Tribunal Members : **Mr PA Barber LLM
Mrs J Brown MRICS**

Date of Paper Determination : **16 March 2015**

Date of Decision : **24 April 2015**

DECISION ON PERMISSIONS TO APPEAL

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DECISION

The Tribunal's decision dated 26 January 2015 will not be reviewed.

Permission to appeal is refused.

REASONS

1. On 24 April 2015 the Tribunal made a determination ("the Decision") under section 21(1)(a) of the Leasehold Reform Act 1967 to determine the price payable in relation to a property situated at 20-22 Larkhill Place, Liverpool L13 9BS. The Tribunal determined that the price payable would be £29,852.
2. The Decision was sent to the parties and on 09 June 2015 the applicants applied to the Tribunal for permission to appeal the Decision to the Upper Tribunal (Lands Chamber).
3. A decision of a Tribunal may be appealed to the Upper Tribunal (Lands Chamber) if:
 - (a) the decision shows that the Tribunal wrongly interpreted or wrongly applied the relevant law;
 - (b) the decision shows that the Tribunal wrongly applied or misinterpreted or disregarded a relevant principle of valuation or other professional practice;
 - (c) the Tribunal took account of irrelevant considerations, or failed to take account of relevant considerations or evidence, or if there was a substantial procedural defect; or
 - (d) the point or points at issue is or are of potentially wide implication.
4. The grounds of appeal are set out in a 13 page document extending to some 51 paragraphs. However, the application is made on two main grounds. Firstly in relation to the site value and entirety value. This part of the application challenges the methodology used by the Tribunal in arriving at the decision and also the issue of the comparables. The Tribunal dealt with both of these issues in the decision notice and accordingly they do not give rise to a sustainable challenge for the purpose of granting permission to appeal. The second challenge is in relation to the Site Apportionment percentage where the Tribunal indicate that the submissions of the Respondent are to be preferred. This part of the application is therefore a challenge to the facts found by the Tribunal as opposed to identifying an error of law.
5. We do not consider therefore that the Applicant's permission application discloses grounds for appeal which are arguable and which have a real prospect of success.

6. We have also considered (taking account of the overriding objective of dealing with cases fairly and justly) whether to review the Decision. However, the Tribunal may only undertake such a review if, on an application for permission to appeal, it is satisfied that a ground of appeal is likely to be successful. For the reasons stated above, we are not satisfied that the Applicant's grounds for appeal are likely to be successful. It follows that the Decision cannot be reviewed.
7. 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 Applicant 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.

