



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

Case Ref: LON/OOAP/HMF/2022/0168 - 0183

Property: Flats 601 and 201 North Lodge, Lebus Street, London, N179FQ

Applicants: Valentina Garro, Jack Bedford, Sophie Newman, Callum Haynes, Jinran Wang, Shrodda Goswami

Respondents: LDC (Ferry Lane) GP3 Limited (Company Number:07503842)

Type of Application: Permission to appeal

Date of determination: 28th June 2023

DECISION REFUSING PERMISSION TO APPEAL

Covid-19 pandemic: description of determination

This has been a determination on the papers

DECISION OF THE TRIBUNAL

1. The tribunal has considered the respondent's request for permission to appeal dated 14th June 2023 and determines that:
 - (a) it will not review its decision; and
 - (b) permission be refused.
2. You may make a further application for permission to appeal to the Upper Tribunal (Lands Chamber). Any such application must be made 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.

3. Where possible, you should make your further application for permission to appeal on-line using the Upper Tribunal's on-line document filing system, called CE-File. This will enable the Upper Tribunal to deal with it more efficiently and will enable you to follow the progress of your application and submit any additional documents quickly and easily. Information about how to register to use CE-File can be found by going to this web address: [https://www.judiciary.uk/wp-content/uploads/2021/07/Practice-Note-on-CE-filing-Lands-Chamber-17.6.21 .pdf](https://www.judiciary.uk/wp-content/uploads/2021/07/Practice-Note-on-CE-filing-Lands-Chamber-17.6.21.pdf)
4. Alternatively, you can submit your application for permission to appeal by email to: Lands@justice.gov.uk.
5. The Upper Tribunal can also be contacted by post or by telephone at: Upper Tribunal (Lands Chamber), 5th Floor, Rolls Building, 7 Rolls Buildings, Fetter Lane, London EC4A 1NL (Tel: 020 7612 9710).

REASONS FOR THE DECISION

1. The test for whether to grant permission to appeal is whether there is a realistic prospect of success.
2. In the present case, the tribunal does not consider that there is such a realistic prospect.

Ground 1-

- A) The challenge is to part only of the reasoning. The central finding by the Tribunal was that the Respondents themselves failed to make contact with the Local Authority following the consultation exercise described in paragraph 40. It is not reasonable to have expected the local authority to provide the Respondents with special treatment and prompted them with individual contact. The consultation carried out reached out to all sections of society. The fact that the Local Authority may not have been aware of the effect of the designation in every case is neither here nor there in these circumstances. In any event the Tribunal maintains that Judicial Review was the appropriate approach to challenge either the designation itself or the alleged failure to consult.
- B) The Tribunal did consider the scope of the duty to consult – see paras 37 and 38. Haringey clearly identified persons likely to be affected as evidenced by paragraph 40. The designation was not just advertised to landlord bodies they knew but to everyone in the Borough. The expectation by the Respondents for special treatment is unreasonable.
- C) The Respondents expected the local authority to contact them individually – in the context of the consultation carried out (see para 40) this would be special treatment.
- D) The challenge would not just have been to the designation but the alleged failure to consult. The argument that a JR challenge might have been out of time is an unattractive basis for seeking to run a reasonable excuse argument in these proceedings. The central challenge brought by the Respondents involved criticism of the local authority and its systems for designation and consultation. This was a public law challenge which did not involve the Applicants at all.

E) Sufficient reasons were given in paragraph 45. The Tribunal were not compelled to mirror *Hallett*. We applied our expertise and experience of this and other cases and decided that a 50% award was appropriate.

Name: Judge Shepherd

Date: 28th June 2023