

Y Tribiwnlys Eiddo Preswyl
Residential Property Tribunal Service (Wales)

Leasehold Valuation Tribunal

Reference LVT/0007/05/19

In the Matter of Premises at Flat 1, 67 Penylan Road, Cardiff, CF23 5HZ ("The premises")

And in the matter of an applications s.168(4) of the Commonhold and Leasehold Reform Act 2002

Applicant: RESIDENTIAL FREEHOLDS LIMITED

Respondent: KALI SASAN BARAWI

**Tribunal: Jim Shepherd
Andrew Weeks MRICS
Juliet Playfair**

**DECISION ON APPLICATION FOR PERMISSION TO APPEAL MADE BY
RESPONDENT**

Decision

Permission to appeal is refused.

Reasons

1. Permission to appeal will only be granted where:
 - (a) The Tribunal has wrongly interpreted or applied the law;
 - (b) The Tribunal has wrongly applied or misinterpreted or disregarded a principle of valuation or professional practice;
 - (c) The Tribunal has taken account of irrelevant considerations or failed to take account of relevant considerations or evidence or there was a substantial procedural defect;
 - (d) The point or points at issue is/are of potentially wide implication.

Ground 1

2. The Respondent is repeating the arguments she raised in the substantive hearing. The Tribunal was entitled to interpret s.168 in the manner it did.

There would be no purpose in joining the predecessor in title to the lease to the proceedings. The s.168 application is made as a pre-cursor to forfeiture proceedings. The only person at risk of forfeiture is the present leaseholder. She is therefore the only Respondent. The argument in paragraph 6 does not follow. The section does not preclude previous breaches by a person who was a tenant. The Tribunal has sympathy for the innocent assignee but this does not alter its interpretation of the statute.

Ground 2

3. The Respondent is again repeating the arguments she raised in the substantive hearing. The Tribunal was entitled to interpret the application of the LTCA 1995 in the manner it did.

Dated this 11th day of December 2019

**J Shepherd
CHAIRMAN**