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

Case Reference CHI/OOHN/OCE/2013/0013

Property Greensleeves, 9 Milner Road, Bournemouth, BH4 8AD

Applicant Greensleeves Owners Ltd

Respondent Trustees of the AE Cooper-Dean Charitable Foundation

Type of Application Part 6 of The Tribunal Procedure (First Tier Tribunal) (Property Chamber) Rules 2013 – Rule 55- application for permission to appeal

Tribunal Members Judge A Cresswell (Chairman)
Judge D Agnew
Mr K M Lyons FRICS

Date of Decision 12 October 2013

DECISION

The Application

By application of 26 September 2013, the Respondent has sought permission to appeal, under Part 6 of The Tribunal Procedure (First Tier Tribunal) (Property Chamber) Rules 2013 (“the Rules”), against the Determination of this Tribunal of 30 August 2013.

The Tribunal does give permission to the Respondent to appeal. The reasons for granting permission follow:

1. The Tribunal first considered, under Rule 55 of the Rules, whether to review its decision. It determined not to review its decision because it was not satisfied that any of the grounds of appeal was likely to be successful for the reasons detailed within the Determination.
2. Although the Respondent's application states explicitly (D) that "The Applicant seeks an appeal by way of review", the Tribunal has read this to mean that the Respondent is applying for permission to appeal to the Upper Tribunal.
3. The Tribunal recognized in its Determination that the case raised an important and difficult issue to resolve. The Tribunal accepts that the point of law in issue is one of general importance in some collective enfranchisement cases.
4. The Tribunal accepts that a higher Tribunal "may" find differently, that the application is not fanciful and that the Determination is fairly open to challenge.
5. The Tribunal concluded that the Respondent ought to be given permission to appeal to the Upper Tribunal.

A Cresswell (Judge)