

2135

LON/00AY/LIS/2005/0116

**DECISION OF THE LEASEHOLD VALUATION TRIBUNAL FOR
THE RESIDENTIAL PROPERTY TRIBUNAL SERVICE,
ON APPLICATIONS UNDER SECTION 27A AND 27C OF THE
LANDLORD AND TENANT ACT 1987, AS AMENDED**

APPLICANTS: London Borough of Lambeth.

REPRESENTED BY: Mr N Islam

RESPONDENTS: Ms M Rodrigues

REPRESENTED BY: Mr J Newman of Counsel – Instructed by AP Law

ADDRESS: Flat 3, 28 Guildford Road, London SW8 2BX.

APPLICATION DATE: 29 November 2005

HEARING DATE: 20 April 2006

APPEARANCE: Mr N Islam
For the Applicants.
Mr J Newman (Counsel)
Ms M Rodrigues
For the Respondent

TRIBUNAL MEMBERS: Mrs E Samupfonda LLB(Hons)
Mrs H Bowers MSc MRICS

Hearing.

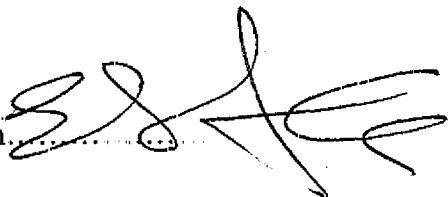
5. At the hearing on 20th April 2006 the Applicant was represented by Mr Islam and the Respondent was represented by Mr Newman. Ms Rodrigues was present at the hearing.
6. Mr Newman informed the Tribunal that the Respondent accepted that the Applicant's claim for all the service charge years in dispute was reasonable and therefore payable, apart from the charges for the electricity. The Applicant had claimed £1,032.77 as the total sum due for the three years in dispute. The Applicant agreed to reduce this sum by £150 and the Respondent accepted, thus leaving £882.77 as the amount payable by the Respondent.
7. Mr Newman made an application for costs under Schedule 12 paragraph 10 of the Commonhold and Leasehold Reform Act 2002. (The Act) He submitted that the Applicant had behaved unreasonably because it had issued proceedings in the Bromley County Court, which did not fully set out the particulars of claim. Furthermore the amount claimed differed to the amount sought in Mr Islam's witness statement. In addition he stated that the Applicant had failed to comply with the Tribunal's directions.
8. Mr Islam submitted that Ms Rodrigues was aware of the arrears, as she had received numerous correspondence as well as having a meeting with Mrs A Clark regarding the arrears. The delay in complying with the directions was due to staff changes.

Decision.

9. The Tribunal note the agreement between the parties and determine that the sum of £882.77 is reasonable and payable in respect of the service charges in dispute for the years in question.
10. The Tribunal considered Mr Newman's application for costs. Although the Applicant did not particularise the claim in the County Court and did not

fully comply with the directions in respect of timescales, we decided that the Respondent had not been prejudiced, the Applicant had not acted unreasonably under the provisions of Schedule 12 paragraph 10 of the Act. Therefore the Tribunal made no order as to costs.

Chairman.....

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

Date 20.4.06: