

LEASEHOLD VALUATION TRIBUNAL
FOR THE LONDON RENT ASSESSMENT PANEL

LON/00AF/LSC/2007/0048

Landlord & Tenant 1985 (as amended) s.27A

Property: 50 Hackington Crescent, Beckenham, Kent, BR3 1RZ

Applicant: Broomleigh Housing Association
Represented by: Ms K. Sydney – Property Manager

In attendance: Ms S. Georgiades - Property Manager
Mr K. Nash – Project Manager

Respondent: Mr N. Grimsdale

Hearing: 24th April 2007

Members of the Tribunal:

Mr L. W. G. Robson LLB(Hons) MCI Arb. (Chairman)
Mrs J. E. Davies FRICS
Mr O. Miller BSc

Preliminary Matters

1. This case relates to an application made under section 27A of the Landlord & Tenant Act 1985 (as amended), referred by an order of District Judge Burn in the Bromley County Court dated 7th February 2007 in case 6BRO 6837. The Applicant seeks determination of the reasonableness and the amount of service charges relating to major works in the financial year ending on 31st March 2001 which the Applicant claims are payable under the terms of the lease of the property granted in 1999. An undated file copy of the lease was produced in the documents bundle for reference.
2. Pre Trial Directions dated 9th March 2007 were given after an oral Pre Trial Review held on 7th March 2007.

Hearing

3. The case was heard on 24th April 2007. Ms Sydney, on behalf of the Applicant, worked through the arithmetic of the Applicant's record of demands and receipts on the account for the subject property from 1st April 2000 to 30th March 2007 at the request of the Tribunal. Taking into account an agreement recorded in a letter dated 20th April 1999 to limit the cost of major works during the first five service charge years of the lease to a total £1,000 plus administration costs of 15%, which had recently come to light in the Applicant's records, she submitted that in fact the Respondent's account was in currently in credit in the sum of £1,848.88. Ms Sydney agreed to give instructions for a cheque to be drawn to reimburse the Applicant. She also

agreed that in this case there was no question of charging any of the landlord's costs of this application, or the County Court costs, to the service charge account.

Decision

4. The Tribunal accordingly decided that no outstanding amount was due from the Respondent to the Applicant in respect of service charge for the relevant period.

Section 20C Application

5. This matter was discussed and agreed with the parties at the hearing. As the Pre Trial Directions included the right for the parties to make an application under Section 20C of the Landlord & Tenant Act 1985, the Tribunal formally decided in relation to Section 20C that the Landlord was not entitled to recover any of the costs of this application through the service charge.

Signed:

L.W.G. Robson
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L.W.G. Robson (Chairman)

Dated:

24th April 2007
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