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**RESIDENTIAL PROPERTY TRIBUNAL SERVICE
LEASEHOLD VALUATION TRIBUNAL**

Case reference : CAM/22UG/LSC/2010/0017

Application : Section 27A Landlord and Tenant Act 1985.

Applicant : South Central Residents Limited

Respondent : Mr V H Dennis

Property : 58 George Williams Way, Colchester, Essex CO1 2JP

Date of Application : 3rd March 2010

Date of Hearing : 20th July 2010

Members of the Tribunal : M G Wilson - Chairman
Mr Roland Thomas MRICS
Mr David W Cox JP

Appearances : **Applicant:**
Miss Fordham, Solicitor,
Messrs Fisher Jones Greenwood;
Respondent in person.

DETERMINATION

The Application

1. This was an application under Section 27A of the Landlord and Tenant Act 1985, the case having been transferred to the Leasehold Valuation Tribunal by Colchester County Court in Claim No 9CO02411 by an Order dated 11th January 2010.

Those proceedings had been instituted by the Applicant for the purpose of recovering outstanding service charges.

Inspection

2. The Tribunal's Directions Order of 15th March 2010 had directed that an inspection take place. The Tribunal inspected the premises in the presence of the Applicant's representative and the Respondent's Assistant. While the Tribunal did not inspect the interior of the property (because no issues had arisen as to its maintenance etc), the Tribunal did inspect the common parts and the parking area. The premises, the common parts and car park appeared to accord with the description in the Lease included in the hearing bundle and the common parts had every appearance of being properly maintained.

The Hearing

3. At the hearing it emerged that there were no issues as to the reasonableness of the service charges or the amounts of the service charges for the years in question. The dispute between the parties was merely who was properly responsible for them.

The Tribunal was able to answer that question easily. The liability was the Respondent's as the Respondent was the present tenant. It was possible, indeed probable, that the Respondent had claims against others, in particular the previous tenant. However, that was not an issue which it was for the Tribunal to determine.

Determination

4. The parties confirmed that they agreed that the service charges for the property for the years in question were as follows:

2007 (including accrued arrears)	£2,678.35
2008	£1,164.96
2009	£1,223.32

and the Tribunal so determined.



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M G WILSON

Date: 20th July 2010