

**RESIDENTIAL PROPERTY TRIBUNAL SERVICE  
SOUTHERN RENT ASSESSMENT PANEL &  
LEASEHOLD VALUATION TRIBUNAL**

Case No: CHI/43UF/LIS/2010/0066  
County Court Claim Number 0WC00398 (Reigate County Court)

Re: 14 Bramble Close, Redhill, Surrey, RH1 6RU

**Between:**

Mr Amin Lakhani  
(Peverel Management Services Limited)  
("the Applicant")

and

Mr Hajinderdyal Singh Bansel & Mrs Harbans Kaur Bansel  
("the Respondents")

**Decision of the Leasehold Valuation Tribunal**

**The Tribunal determines that it is *functus officio* for the Reasons given hereafter. The file is to be sent back to the Reigate County Court with a copy of this determination.**

Member of the Tribunal: Mr John B. Tarling, MCMI (Solicitor)

Date of the Tribunal's Decision: 24<sup>th</sup> September 2010

**Background to the Application**

1. On 11<sup>th</sup> August 2010 the Tribunal received the file of papers from the Reigate County Court in Case Number 0WC00398 relating to a claim made by the Applicant against the Respondents in respect of the above property. The matter had been transferred by the Reigate County Court to the Tribunal under the provisions of Paragraph 3 of Schedule 12 of the Commonhold and Leasehold Reform Act 2002. That statutory provision provides as follows: "3. (1) Where in any proceedings before a court there falls for determination a question falling within the jurisdiction of a leasehold valuation tribunal, the court (a) may by order transfer to a leasehold valuation tribunal so much of the proceedings as relate to the determination of that question."
2. The Applicant had filed with the Canterbury County Court some Particulars of Claim dated 19<sup>th</sup> May 2010 which claimed various amounts for leasehold service charges and other payments payable under the terms of a Lease dated 25<sup>th</sup> June 1992 and made between the Wates Built Homes limited as Lessor and Ruth Mary Bashford and Keith Bashford as Lessees.
3. In a letter dated 23<sup>rd</sup> April 2010 addressed to Dutton Gregory LLP, Solicitors for the Lessors, the Respondents say the matter has been referred to the Leasehold Valuation Tribunal (LVT). It is correct that on 8<sup>th</sup> October 2009 the matter of Service Charges had been the subject of an Application by the

Respondents to the LVT and that matter was dealt with under LVT Case Number CHI/43UF/LIS/2009/0084. In their Application Form dated 8<sup>th</sup> October 2009 the matters which the Respondents had requested the Tribunal to make determinations were for Service Charges in the years 2005, 2006, 2007, 2008 and 2009. The LVT issued its determination in respect of that application on 19<sup>th</sup> July 2010 and a copy was sent to both the Respondents and the Applicants. No application has since been made by any party for leave to appeal that Decision.

4. On 10<sup>th</sup> August 2010 Tribunal gave Directions which included the following provisions:  
“2 On 19<sup>th</sup> July 2010 the Tribunal issued its determination in Case number CHI/43UF/LIS/2010/0084 which appeared to include a determination as to liability to pay Service Charges between the same parties in respect of the periods to 31<sup>st</sup> December 2009. As it appears to the Tribunal that it has already made its determination in respect of the same matters as are contained in the County court proceedings, the Tribunal’s preliminary view is that the tribunal is now *functus officio* as it has already made its determination.
5. The Tribunal had given notice to the parties that if there was a dispute as to jurisdiction the Tribunal proposed to make any determination as a paper determination rather than at a oral Hearing, unless either party requested an oral hearing. As neither party had requested an oral hearing the Tribunal proceeded to determine the matter as a paper determination.
6. By a letter dated 31<sup>st</sup> August 2010 the Applicants wrote to the Tribunal saying it agreed that the Tribunal is now *functus officio*.
7. By a letter dated 10<sup>th</sup> September 2010 the Respondents wrote to the Tribunal making a number of written representations which had nothing to do with the question of whether or not the Tribunal was *functus officio*. The Respondents have produced no valid reason why they believe the Tribunal has anything left to determine in relation to the matters that were before the County Court.

**The Tribunal’s determination**

8. For the reasons given above the Tribunal determines that it is *functus officio* as it has already made its determinations in respect of all the matters that are within its jurisdiction and that were the subject of the County Court proceedings. The Tribunal directs that the file is to be returned to the Reigate County Court with a copy of this Determination.

Dated this 24<sup>th</sup> September 2010

*Signed John B. Tarling*

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John B. Tarling, MCMI, (Solicitor)

A member of the Panel appointed by the Lord Chancellor