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LONDON RENT ASSESSMENT PANEL

DECISION OF THE LEASEHOLD VALUATION TRIBUNAL

ON AN APPLICATION UNDER SECTION 27 OF THE LANDLORD AND TENANT
ACT 1985

Case Reference: LON/00BB/LSC/2012/0628

Premises: 20 Ladysmith Road, London E16 4NR

Applicant(s): FTZ Ltd

Representative: Carol Nelson, Circle Residential Management Ltd

Respondent(s): Arkadiusz Tomasz Rutyna

Representative: In person

Date of decision: 14th November 2012

**Leasehold Valuation
Tribunal:**

Mr Adrian Jack and Mr Luis Jarero BSc FRICS

Determination

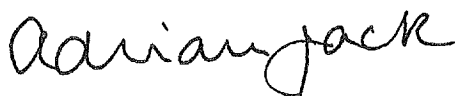
1. By an application to the Tribunal dated 10th September 2012 the landlord applied for determination of the tenant's liability to pay service charges in the current year.
2. The Tribunal gave directions on 14th September 2012. These were complied with by the landlord but completely ignored by the tenant. The Tribunal directed that the matter be determined on paper but gave the parties the option of requesting an oral hearing. No request for an oral hearing was made, so we determine the matter on paper.

The issues and determination

3. The relevant statutory provisions are annexed to this decision.
4. The tenant raises no issue on the service charges. We therefore disallow nothing. The landlord has amply demonstrated that the insurance premium is reasonable.
5. The Tribunal has a discretion as to who should pay the fees payable to the Tribunal. In the current case these amount to £70. Since the applicant landlord has won, it is appropriate to order that the tenant repay the fees.

DETERMINATION

The Tribunal accordingly determines that nothing be disallowed. The tenant is to pay the landlord £70 in respect of the fees payable to the Tribunal.



Adrian Jack, Chairman

14th November 2012

The law

The Landlord and Tenant Act 1985 as amended by the Housing Act 1996 and the Commonhold and Leasehold Reform Act 2002 provides as follows:

Section 18

- (1) In the following provisions of this Act "service charge" means an amount payable by a tenant of a dwelling as part of or in addition to the rent-
 - (a) which is payable directly or indirectly for services, repairs, maintenance, improvement or insurance or the landlord's costs of management, and
 - (b) the whole or part of which varies or may vary according to the relevant costs
- (2) The relevant costs are the costs or estimated costs incurred or to be incurred by or on behalf of the landlord or a superior landlord in connection with the matters of which the service charge is payable.
- (3) for this purpose
 - (a) costs includes overheads and
 - (b) costs are relevant costs in relation to a service charge whether they are incurred or to be incurred in the period for which the service charge is payable or in an earlier period

Section 19

- (1) Relevant costs shall be taken into account in determining the amount of a service charge payable for a period-
 - (a) only to the extent that they are reasonably incurred; and
 - (b) where they are incurred on the provision of services or the carrying out of works, only if the services or works are of a reasonable standard; and the amount payable shall be limited accordingly.
- (2) Where a service charge is payable before the relevant costs are incurred, no greater amount than is reasonable is so payable, and after the relevant costs have been incurred any necessary adjustment shall be made by repayment, reduction or subsequent charges or otherwise.

Section 20B

- (1) If any of the relevant costs taken into account in determining the amount of any service charge were incurred more than 18 months before a demand for payment of the service charge is served on the tenant, then (subject to subsection (2)), the tenant shall not be liable to pay so much of the service charge as reflects the costs so incurred.
- (2) Subsection (1) shall not apply if, within the period of 18 months beginning with the date when the relevant costs in question were incurred, the tenant was notified in writing that those costs had been incurred and that he would subsequently be required under the terms of his lease to contribute to them by the payment of a

service charge.

Section 27A

- (1) An application may be made to a leasehold valuation tribunal for a determination whether a service charge is payable and, if it is, as to-
 - (a) the person by whom it is payable,
 - (b) the person to whom it is payable,
 - (c) the amount which is payable,
 - (d) the date at or by which it is payable, and
 - (e) the manner in which it is payable.
- (2) Subsection (1) applies whether or not any payment has been made.
- (3) An application may also be made to a leasehold valuation tribunal for a determination whether if costs were incurred for services, repairs, maintenance, improvements, insurance or management of any specified description, a service charge would be payable for the costs and if it would, as to---
 - (a) the person by whom it would be payable,
 - (b) the person to whom it would be payable,
 - (c) the amount which would be payable,
 - (d) the date at or by which it would be payable, and
 - (e) the manner in which it would be payable.”