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**FIRST – TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)**

Case Reference : **BIR/37UD/LAC/2012/0013**

Property : **15 Riddles Court Watnall Nottingham
NG16 1LB**

Applicant : **Mr Dean Kirk**

Representative : **In person**

Respondent : **OM Property Management No 2
Limited**

Representative : **Ms Misbah Khan**

Type of Application : **Application for a determination as to
liability to pay and reasonableness of
a variable administration charge
pursuant to Schedule 11 to the
Commonhold and Leasehold Reform
Act**

Tribunal Members : **Mr Roger Healey (Chairman) and Mr
Vernon Ward FRICS**

**Date and venue of
Hearing** : **24 June 2013 at Nottingham
Magistrates' Court**

Date of Decision : **11 0 JUL 2013**

DECISION

Introduction

1. This is an application by Mr Dean Kirk ("the Applicant") in respect of his liability to pay and reasonableness of a variable administration charge demanded by OM Property Management No 2 Limited ("the Respondent").

2. The Applicant is a leaseholder of 15 Riddles Court Watnall Nottingham ("the Property") by virtue of an Underlease made between Bellway Homes Limited (1) and Chaworth Place Management Company Limited (2) for a term of 150 years less ten days commencing on the 6 January 2004.

3. The variable administration charges arise out of the late payment of service charges for the service charge years 2008, 2009 and 2010.

4. The Applicant applies for an order that any costs incurred in connection with proceedings before the Tribunal are not treated as relevant costs to be taken into account in determining the amount of any service charge payable by the Applicant.

5. The parties prepared a Scott Schedule which is before the Tribunal.

Service charge year 2008

6. The parties agree that the late payment charge of £57.50 be deleted.

Service charge year 2009

7. The parties agree that the charges of £86.25 for the Tenant Letter have already been credited back and no action is required by the Tribunal.

8. The parties agree that the administration charge of £ 58.75 was never charged to the account and that no action is required by the Tribunal.

Service charge year 2010

9. The parties agree that an administration charge of £116.25 specified in the Scott Schedule has not been charged and therefore no action is required by the Tribunal.

Costs

10. Ms Misbah Khan on behalf of the Respondent undertook that no costs incurred in connection with the proceedings are to be regarded as relevant costs to be taken into account in determining any service charge payable by the Applicant and requested that on the basis of this undertaking no 20C order be made.

Determination

11. The agreement set out above appearing just and equitable to the Tribunal it is determined –

11.1 For the service charge year 2008 the sum of £57.50 is deleted.

11.2 For the service charge year 2009 no order is made.

11.3 For the service charge year 2010 no order is made.

11.4 The Tribunal accepts the undertaking given by the Respondent that the costs incurred in connection with the proceedings are not to be regarded as relevant costs to be taken into account in determining any service charge payable by the Applicant and on that understanding no section 20C order is made.

Roger Healey
Chairman

10 JUL 2013