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

Case Reference : **LON/00/AH/LDC/2013/0134**

Property : **Originally VARIOUS FLATS 13 THE
WALDRONS CROYDON CRO 4HB
but now only MS WHITTER (FLAT
2) and MR R PAYNE (FLAT 4)**

Applicant : **Mrs Caroline House**

Representative : **Morgan Rowland & Co**

Respondent : **Long leaseholders of Flats 1-5 The
Waldrons**

Representative : **MS DEBORAH LAWRENCE (FLAT
1) and MR JOSE MARTINEZ (FLAT
3)**

Type of Application : **Application to dispense with
section 20 consultation notices and
a determination of the
reasonableness of the estimated
costs of the major works and
payability.**

Tribunal Members : **Judge Tagliavini
Mr M Taylor, FRICS**

**Date of decision
(paper determination)** : **18 February 2014**

DECISION

The Tribunal's decision:

1. The section 20-consultation procedure has been complied with appropriately. In any event, the tribunal would be minded to dispense with any section 20-consultation requirements, there having been challenge to the section 20 process.
2. The proposed works as set out in the specification of November 2010 by Mr Anthony Clare MRICS, concerning works of external redecoration and associated repair are reasonable, excluding works to the basement.
3. The estimated costs of the proposed major works in the sum of £32,891.80 (inclusive of fees and VAT) as quoted by S.C. Downey in the tender dated 19/11/2013 are reasonable and payable in accordance with the terms of the lease (as varied by a Deed(s) of Variation).
4. The lessees of Flat 2 and Flat 4 are liable to pay their percentage share of these costs in accordance with the deed variations (copy not seen by the Tribunal) at 22.11% and 15.14% respectively amounting to:

Flat 2: £7,292.28

Flat 4: £4,993.44

Background:

5. The subject premises comprise a Victorian house converted into 3 studio flats, a 1 bedroom flat and a 2 bedroom flat. The service charges and their lessees contributions have been varied by deed (not seen by the Tribunal) the Respondents are liable to make a contribution to the cost of major works in these adjusted sums.
6. Initially the Applicant sought a determination in respect of the major works costs and consultation in respect of all the lessees but the majority have now paid the sums demanded and did not seek to oppose this application. Ms Whitter has not made any written submissions seeking to oppose this claim. Mr Payne has by a letter dated 30 January 2014 (and enclosures) set out his reasons for opposing the application and demands for payment of the estimated costs of these major works. In summary these objections are:
 - (i) The accuracy of the sums claimed
 - (ii) A failure to provide a proper breakdown of the costs demanded
 - (iii) The addition of £240 to his demand
 - (iv) Errors on his service charge statements.

7. For the purposes of this application and as set out in the Directions dated 19 December 20 this Tribunal considers only whether there is a requirement to dispense with all or part of the section 20 consultation notices and whether the estimated major works costs are reasonable and payable.
8. The Tribunal notes that neither the lessee of Flat 2 or Flat 4 has asserted that the consultation procedure is defective or that there is a requirement to pay service charges.

Reasons for the Tribunal's decision:

9. In the absence of any challenge to the section 20 consultation procedure by either Ms Whitter or Mr Payne, the tribunal accepts the Applicant's assertions that the requirements of section 20 have been largely complied with and the lessees at all times fully informed of the scope of the works and their likely estimated cost.
10. The tribunal finds that the scope of these works does not include any works to the basement as were at the outset subject to a separate sum and finally excluded from the revised estimated costs.
11. The Tribunal finds that the sum of £32,891.80 (including fees and VAT) is a reasonable estimate, which may be subject to revision (either up or down) at the conclusion of the works.
12. The Tribunal finds that the sum claimed for:

Flat 2: £7,292.28

Flat 4: £4,993.44

are reasonable and payable by the respective lessees (subject to deduction for sums, if any already paid).

13. As previously stated, this Tribunal does not seek to determine the reasonableness of the annual service charges or any additional charges or costs sought to be claimed by the Applicant from the lessees of Flats 2 and Flat 4.

Conclusion:

14. The Tribunal determines that the estimated costs of the major works have been properly consulted upon and are payable in the sum of £7,292.28 (Flat 2) and £4,993.44 (Flat 4).

Signed: Judge Tagliavini

Dated: 18 February 2014