



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

Case reference : LON/00BE/LSC/2017/0207

County court claim no. : D7QZ909T

Property : 22 Crossthwaite Avenue, London
SE5 8ET

Applicant : London Borough of Southwark

Representative : Gregory Brutton, Revenue &
Income Enforcement Team
(ref: ENF001624/8136)

Respondent : Mrs Foluke Rebecca Akintaro

Type of application : Liability to pay service charges

Tribunal member : Judge Timothy Powell

Date of order : 8 August 2017

**ORDER DEBARRING THE RESPONDENT AND
DISPOSING OF PROCEEDINGS WITHOUT A HEARING**

1. This matter was transferred by the court and directions were issued by the tribunal on 3 July 2017. Those directions contained the following statement: "As the court has transferred the whole case, the tribunal intends to deal with all of the issues listed above, including ground rent, interest and court costs, at the same time as deciding the payability of the service charges. The tribunal is empowered to do so as a result of amendments made to the County Courts Act 1984, by which judges of the First-tier Tribunal are now also judges of the county court".
2. The respondent, Mrs Foluke Rebecca Akintaro, has failed to comply with the tribunal's directions dated 3 July 2017, which required her to particularize her objections to the estimated service charge invoice for the year ending 31 March 2017, by 14 July 2017. The respondent has

also failed to respond to the tribunal's letter of 24 July 2017 seeking an explanation and remedial action.

3. Both the directions and the tribunal's letter warned the respondent that a failure to comply with directions may result in her being barred from taking further part in the proceedings and/or the tribunal determining all issues against her.
4. I therefore dispose of these proceedings without a hearing by making the **following orders**, namely:
 - (i) The respondent is hereby debarred from taking any further part in these proceedings;
 - (ii) The estimated service charge for the year ending 31 March 2017, demanded on 19 February 2016 in the sum of **£847.72**, is determined to be reasonable and payable by the respondent, forthwith; as is the ground rent of **£10** demanded on the same date;
 - (iii) In addition, the respondent shall pay contractual interest accrued by reason of non-payment of the service charges demanded, pursuant to clause 2(3)(b) of the lease, in the sum of **£43.62**, calculated in accordance with the Schedule annexed, forthwith;
 - (iv) Interest continues to be payable at the rate of **£0.12** per day from 8 August 2017, until full payment is made; and
 - (v) The respondent shall pay the applicant **£60** in respect of the court issue fee, again forthwith.
5. This order is made under rules 9(3)(a), (7) and (8) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013.
6. This matter should now be returned to the County Court at Clerkenwell & Shoreditch, claim no. D7QZ909T, for any outstanding matters to be dealt with.

Name: Timothy Powell

Date: 8 August 2017

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.

The application for permission to appeal must arrive at the regional office within 28 days after the tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).

Schedule of interest calculations

22 Crossthwaite Avenue, London SE5 8ET

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Calculation of interest payable on arrears of service charges allowed by the tribunal - up to 8.8.17

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By paragraph 2(2) of the Third Schedule of the lease, on-account payments are payable quarterly in advance on specified "payment days", namely 1st April, 1st July, 1st October and 1st January in each year

By clause 2(3)(b) of the lease, unpaid charges bear interest at 5% above base

Date	Item	£ amount	£ payable	Days to 8.8.17	Interest rate %	Interest £
19.2.16	Invoice, estimated charges (less £10 ground rent)	847.72				
1.4.16	First Payment Date		211.93	495	5.25	15.08
1.7.16	Second Payment Date		211.93	404	5.25	12.32
1.10.16	Third Payment Date		211.93	312	5.25	9.51
1.1.17	Fourth Payment Date		211.93	220	5.25	6.71
			847.72			43.62

And contractual interest continuing at **£0.12** per day from 8.8.17 until payment