



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

Case Reference : **BIR/41UG/LIS/2014/0017**

Property : **Flats 1 – 130 Peter James Court,
Astonfields Road, Stafford,
Staffordshire ST16 3YU & ST16 3YZ**

Applicant : **The Willows Flats Management
Limited**

Representative : **Castle Estates (Property
Management Services) Limited**

Respondents : **The lessees of Flats 1 – 130 at the
Property who are listed on the
Schedule attached**

Representative : **None**

Type of Application : **Application for a determination of
liability to pay and reasonableness of
a service charge**

Date of Directions : **30 JUL 2014**

DIRECTIONS

1. The Applicant seeks a determination by the Tribunal under sections 19 & 27A(3) of the Landlord and Tenant Act 1985 as to whether if a service charge were demanded by the Applicant to cover the cost of replacement of any balconies at the Property on the grounds that replacement would be cheaper than repair, that service charge would be payable by the Respondents under the service charge provisions of their leases.
2. The Applicant shall, by **12 September 2014** provide one hard copy to each Respondent and three hard copies to the Tribunal of a written Statement ("the Applicant's Statement") in support of its application:-
 - a. Confirming that the terms of every lease at the Property are identical (except for the date, the number of each unit, and the premium payable)
 - b. Identifying the factual and legal basis upon which the Applicant claims that the leases at the Property can be interpreted in such a way as to support the application, and
 - c. Providing a description of the reasons for and the nature of the repairs to the balconies that have been undertaken in previous service charge years, and
 - d. Giving an approximate cost for replacement of each balcony, and any proposed programme for balcony replacement (including timing of such a programme) intended by the Applicant, and
 - e. Identifying the Applicant's best estimate of the saving likely to be achieved by a balcony replacement programme.
3. Each Respondent shall by **26 September 2014** provide a written response indicating whether that Respondent wishes to contest this application. The response (one hard copy) must be sent to the Applicant's representative, Castle Estates (Property Management Services) Ltd at 159a Marston Road, Stafford, Staffordshire ST16 3BS and to the Tribunal o
4. Any Respondent who does not agree that the leases of the flats at Peter James Court allow the Applicant to charge the cost of replacement of balconies to all lessees as part of the service charge, and who does wish to contest this application, should provide a written statement ("the Respondent's Statement") in response to the Applicant's Statement by **3 October 2014**. In that statement, the Respondent must explain why that respondent does not support the Application, and should comment on the reasons put forward by the Applicant in support of its application that are set out in the Applicant's Statement. Any Respondent who provides a Respondent's Statement must copy it to

the Applicant's representative or by email at: rab.sanghera@castle-estates.co.uk and to the Tribunal.

5. Not later than **17 October 2014** the Applicant shall provide to each Respondent and to the Tribunal (which will require 4 copies), a bundle of all documents to be referred to and/or relied upon, with **each page numbered sequentially**. The bundle must contain copies of the application and all statements produced in response to these directions (including all Respondent's Statements), the relevant lease(s), and any other documents relevant to this application.
6. The Tribunal considers that this case is suitable for determination without an oral hearing, on consideration of the application form, the Applicant's Statement, any Respondents' Statements produced, and the bundle of documents produced by the Applicant pursuant to direction 5. However, all parties must consent, or be deemed to have consented, to a determination without a hearing. If either party wishes for there to be a hearing, that party should notify the Tribunal by **26 September 2014**. If the Tribunal does not receive a request for a hearing by this date from a party, under Rule 31 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, that party will be deemed to have consented to a determination without a hearing.
7. The target date for determination of the application is **w/c 27 October 2014** or as near to then as can be arranged. The Tribunal may wish to inspect the property prior to the determination taking place (whether on, before, or after the target date) and full details of such an inspection will be given to all participating parties in advance if appropriate.
8. **The parties have leave to request a variation to these directions within 14 days after which they will become binding.**
9. **Failure to comply with these directions may result in prejudice to the defaulter's case.**

Judge C Goodall
Chair
First-tier Tribunal (Property Chamber)