



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

Case Reference : **MAN/OOBY/LSC/2013/0144**

Property : **Apartment 16, 26 Cornhill, Liverpool L1 8DP**

Applicant : **Chandlers Wharf Property
Management Ltd**

Representative : **Hill Dickinson LLP**

Respondents : **Mr Aderemi Bola and Ms Gracie Bola**

Type of Application : **Landlord & Tenant Act 1985 – Section 27A**

Tribunal Members : **Laurence Bennett (Tribunal Judge)
Jonathan Holbrook (Tribunal Judge)**

Date of Decision : **27 March 2014**

DECISION

Application

1. Following transfer by order of District Judge Sethi sitting at Watford County Court on 18 October 2013 in claim number 3YL78164 the Applicant applies to the Tribunal under Section 27A of Landlord and Tenant Act 1985 (the Act) for a determination of reasonableness of service charges in respect of the Property.
2. The Applicant is the Management Company which is a party to the Lease of the Property dated 28 March 2007.
3. The Respondents are the Lessees of the Property.

Background

4. The transfer order was received by the Tribunal on 12 November 2013. The balance of the Tribunal fee was received on 27 November 2013.
5. On 6 December 2013, Judge Holbrook made directions which provided that in the absence of a request for a hearing the matter would be determined upon the parties' paper submissions. Neither party requested a hearing.
6. In accordance with directions and further directions made 19 February 2014 the Applicant has submitted a statement of case and a copy of relevant documents including the Lease, demands, office copies, correspondence and a breakdown of the service charge demanded.
7. The Respondents have failed to contact the Tribunal or make submissions despite notification by the Tribunal of each document received.
8. The Tribunal convened on 27 March 2014 without the parties to make its determination.

The Law:

9. Section 27A of the Landlord and Tenant Act 1985 provides that an application may be made to the Tribunal for a determination whether a service charge is payable.
10. Section 19 of the Landlord and Tenant Act 1985 states:-
 - (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.

Consideration

11. The Applicant seeks within the County Court proceedings arrears of service charge demanded from 6 July 2009 to 1 January 2013. In its response to the Tribunal's directions the Applicant has specified the service charge years 2010/2013 to which the sums relate and the proportions of total service charge relating to the Property which forms their claim.
12. We note the Respondents' defence includes that the relevant particulars of claim setting out the outstanding sums are "Neither admitted nor denied." The Tribunal is mindful that the Upper Tribunal (formerly the Lands Tribunal) in its appellate jurisdiction has stated that the Tribunal is bound to take into account only those issues raised by a Respondent in these circumstances.
13. The Tribunal has considered the service charges demanded and finds as admitted by the Respondents that a service charge is payable under the relevant covenants of the Respondents' Lease.
14. The Tribunal as an expert Tribunal with knowledge and experience of properties of this nature and the range of service charges arising from supply of services similar to those specified within the Lease finds that the sums demanded in respect of each of the service charge years specified are within the reasonable range. In the absence of specific objection, the Tribunal concludes the service charges demanded are reasonable and payable.

Order

15. The service charges demanded by Chandlers Wharf Property Management Limited specified within County Court claim 3YL78164 in respect of the Property are reasonable and payable by the Respondents.