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

Case reference : **LON/00AW/LSC/2014/0492**

Property : **Flat 5, 47 Cathcart Road
London SW10 9JE**

Applicant : **Edward Bartlett**

Representative : **Michael Bartlett**

Respondent : **CA Daw & Son Ltd**

Representative : **Mr Chandler, director**

Type of application : **For the determination of the
reasonableness of and the liability
to pay a service charge**

Tribunal members : **Judge Nicol
Mr R Shaw FRICS**

**Date and venue of
hearing** : **12th February 2015
10 Alfred Place, London WC1E 7LR**

Date of decision : **12th February 2015**

DECISION

1. The Applicant sought a determination pursuant to section 27A of the Landlord and Tenant Act 1985 as to the amount of service charge payable in respect of a major works programme proposed for redecorating the façade of the subject building. However, the Applicant and others having formed a Right to Manage company, the Respondent decided not to pursue the disputed charge. On 9th February 2015 the Respondent provided each lessee with an adjusted account without any charge for the works which had been proposed.

2. The Respondent informed the Tribunal in advance that they were no longer proceeding with the disputed charge but the Applicant still wanted the hearing on 12th February 2015. Mr Chandler and Mr Anderson appeared for the Respondent and Mr Michael Bartlett for his son, the Applicant.
3. The Tribunal explained to both parties at the hearing that the case would not proceed because, the charge having been withdrawn and the works not going ahead, there was nothing left on which the Tribunal could adjudicate. Mr Bartlett was disappointed that there was no opportunity to obtain a definitive ruling on the differences between the parties but the Tribunal cannot rule on a non-existent charge.
4. Therefore, the application is dismissed.

Name: N Nicol

Date: 12th February 2015