11367



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

Case Reference	:	MAN/00BN/LSC/2013/0011 MAN/00BN/LDC/2015/0028
Property	:	No. 1 Deansgate, Manchester M3 1AZ
Applicant	:	No. 1 Deansgate (Residential) Limited
Respondent	:	Various Leaseholders
Type of Application	:	Landlord and Tenant Act 1985 – s 27A Landlord and Tenant Act 1985 – s 20ZA
Tribunal Member	:	Judge L. Bennett Mr I. James
Date of Directions	:	27 November 2015

### ORDER

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Upon hearing counsel for the Applicant and upon there being no attendance from any Respondent

#### IT IS ORDERED THAT

- 1. Nicholas Edwards, Pauline Edwards, A. Fretwell, Paul Abbott and Siobhan Wilson are removed as Respondents pursuant to Rule 10 of the Tribunal Procedure (First-tier Tribunal)(Property Chamber) Rules 2013 and Section 27A (4)(a) of the Landlord and Tenant Act 1985 following their agreement with the Applicant.
- 2. In respect of the remaining Respondents it is determined that the sums demanded from them as set out in the attached schedule are payable as demanded. Moreover, the sums have all now been paid and nothing further is due for the period of this application.
- **3.** Paragraph 2 above is subject to Paragraph 4, below, and is not a final determination until Paragraph 4 is completed and the Section 20ZA application is finally determined.
- **4. (a)** The Tribunal will forthwith issue the application under Section 20ZA of the Landlord and Tenant Act 1985. If an application fee is payable then the Applicant must pay it forthwith and in any event within 28 days.
  - (b) The Tribunal will send the Application to the nine remaining respondents and will invite them to make any written response within 14 days.
  - (c) If no response is received, the Tribunal shall determine the application on the basis of the existing written material.
  - (d) If a response is received, the applicant may make a written reply within a further 14 days.
  - (e) Assuming that there has been a reply from one or more Respondents, the application will be determined on the papers unless any party objects.

2008													
	Mr & Mrs Edwards	• •	Mrs & Mrs Newman	Mr Fretwell	Mr Wall & Miss Stewart		Mr Ashton	Mr Sardar	Mr Abbott	Ms Wilson	Mr Qureshi	Mr Judge & Mr Ali	Mr Richard & Mr Bannister
	103			208	406	408	502	503	701	703	803	805	807
Residential								<u></u>			1	f	
Cleaning	£641.85	£336.20	£342.32	£641.85	£841.85	£666.30	£745.76	£641.85	£745.76	£641.85	£641.85	12641.85	£1,222.56
	£485.82		the second s	£485.82	£485.82	£504.33	£564.48	£485.82	£564.48	£485.82	£485.82	£485.82	£925.38
M & F Renairs and						<u> </u>		<u> </u>			t	1	12023.00
Maintenance	£773.87	£405.36	£412.73	£773.87	£773.87	£803.35	£899.17	£773.87	£899.17	£773.87	£773.87	£773.87	£1.474.04
Lifts & Escalators	£195.25	£102.28	£104.13	£195.25	£195.25	£202.69	£226.87	£195.25	£226.87	£195.25	£195.25	£195.25	E371.91
Health & Safety	£48.98	£25.66	£26.12	£48.98	£48.98	£50.85	£56.91	£48.98	£56.91	£48.98	£48.98	£48.98	£93.30
Internal Repairs and Maintenance	£186.39	£97.63	£99,41	£186.39	£186.39	£193.49	£216.57	£186,39	£216.57	£186.39	£186.39	£186.39	£355.03
Landscaping	£33.73	£17.67	£17.99	£33,73	£33.73	£35.01	£39.19	£33.73	£39.19	£33.73	£33.73	E33.73	£64.24
Security	£1,680.46	£880,24	£896.24	£1,680.46	£1,680,46	£1,744.48	£1,952.53	£1,680.46	£1,952.53	£1,680.46	£1,680.46	£1,680.46	£3,200.87
Telephone	£37,04	£19.40	£19.75	£37.04	£37.04	£38.45	£43.04	£37.04	£43.04	£37.04	£37.04	E37.04	£70.55
have been and the second secon	£155.20		£82.77	£155.20	£155,20	£161.11	£180.33	£155.20	£180,33	£155.20	£155.20	£155.20	£295,61
	£827.13		£441.13	£827.13	£827.13	£858.64	£961.04	£827.13	£961.04	£827.13	£827.13	£827.13	£1,575,48
Office Costs	£34.23		£18.26	E34.23	£34.23	£35.53	£39.77	£34.23	£39.77	£34.23	£34.23	£34,23	£65.20
Insurance Claim	-£2.63	-£1.38	-£1.40	-£2.63	-£2.63	-£2.73	-£3.05	-£2.63	-£3.05	-£2.63	-£2.63	-£2.63	-£5,00
Audit Fee	£17.63		£9.40	£17.63	£17.83	£18.30	£20.49	£17.63	£20,49	£17.63	£17.63	£17.63	£33.59
Supervision of services fees	£593.08	£310.66	£316.31	£593.08	£593.08	£615.67	£689.10	£593.08	£689.10	£593.08	£593.08	£593.08	£1,129.67
Commercial					<u> </u>	1		1	1	1	1	1	1
Cleaning	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
Lifts & Escalators	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	20.03	£0.00	£0.00	£0.00	00.03	£0.00	£0.00
Electricity	£0.00	£0.00	the second se	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
Insurance	£0.00	£0.00	£0.00	20.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
Audit Fee	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
Supervision of services fees	£0.00	£0.00	£0.00	£0.00	£0.03	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.0Q	£0.00
Structural													
Health & Safety	£11.19	£5.88	£5.88	£11.19	£11.19	£11.65	£13.04	£11.31	£13.04	£11.31	£11.19	£11.19	£21.34
Fire Equipment	£5.89	£3.10	£3.10	£5.89	£5.89	£6.14	£6.87	£5.95	£8.87	£5,95	£5.89	£5.89	£11.24
Insurance	£52.08	£27.38	£27.38	£52.08	£52.08	£54.22	£60.67	£52.61	£60.67	£52.61	£52.08	£52.0B	£99.32
Audit Fee	£0.24	£0.12	£0.12	£0.24	£0.24	£0.25	ED,28	ED.24	£0.28	£0.24	£0.24	£0.24	£0.45
Supervision of services fees	£7.95	E4.18	£4.18	£7.95	£7.95	£8.28	£9.26	£8.03	£9.26	£8.03	£7.95	£7.95	£15.16
Residential	r		r	·····	·····	2009	y	······		·····			·····
Cleaning					ļ		ļ	<u> </u>	<u> </u>	L	<u> </u>	<u> </u>	l
Window Cleaning	£517.37	£271.00	£275.93	£517.37	£517.37			And the second s		·			
M & E Repairs and	£638.43	£334.41	£340.49	£538.43	£638.43	£662.75	£741.79	£638.43	£741.79	£638.43	£638.43	£638.43	£1,216.05
Maintenance	£965.98	£505.99	£515.19	£965.98	£965.98	£1,002.78	£1,122.38	£965.98	£1.122.38	£965.98	£965.98	£965.98	£1,839.97
Lifts	£186.08	£97.47		£186.08			the second second			£186.08			+
Health & Safety	-£0.62	-£0.32	-£0.33	-£0.62								-£0.62	-£1.17
Internal Repairs &			1						-10.72	- <u></u>		-20.02	-E1.14
Maintenance	-£2.54	-£1.33	-£1.36	-£2.54	-£2.54	-£2.64	-£2.96	-£2.54	-£2.96	-£2.54	-£2.54	-£2.54	-£4.85
Pest Control	£3.52	£1.85	£1.88	£3.52	the second s		£4.09	£3.52	£4.09			· /	
Internal plant displays	£25.86	£13.55	£13.79	£25.86	£25.86	£26.85	£30.05	£25.86	£30.05	£25.86	the second se		£49.27
Security	£1,476.47	£773.39	£787.45	£1,476.47	£1,476.47	£1,532.72	£1,715.52	£1,476.47	£1,715.52	£1,476.47		£1,476.47	£2,812.32

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Telephone	£12.74	£6.67	£6.79	£12.74	£12.74	£13.22	£14.80	£12.74	£14.80	£12.74	£12.74	£12.74	£24.2
Water	£33.06	£17.32	£17.63	£33.06	£33.06		£38.41	£33.06	£38.41	£33.06	£33.06	£12.74 £33.06	
Electricity	£604.43	£316.61	£322.36	£604.43	£604.43	£627.46	£702.29	£604.43	£702.29	£604.43	£604.43	£604,43	£62.9 £1,151.3
Office Costs	-£9.31	-£4.87	-£4.96	-£9.31	-£9.31	-£9.66		-£9.31	-£10.81	-£9.31	-£9.31	-£9.31	£1,151.3 -£17.7
Fees re financial statements	-£48.38	-£25.34	-£25.80		-£48,38		-£56.22	-£48.38	-£56.22	-£48.38	-£48.38	-£48.38	-£92.1
Audit Fee	£16.62	£8.71	£8.87	£16.62	£16.62			£16.62	£19.31	£16.62	£16.62	£16.62	E31.
Supervision of services fees	£509.90		£271.94		£509.90	1	1		£592.45	£509.90	£509.90	£509.90	£971.
Commercial:												2303.50	
Cleaning	£0	£0	£0	EO	£0	£0	EO	£0	£0	£0	£0	£Q	£0
Lifts	£0	£0	£0	EO	£0	EO	£O	EO	EO	£0			£0
Electricity	£0	£0	ED	£Ū	£0	EO	£0	£0	£0	ÊD			£0
M & E Repairs and Maintenance	£O	£0	£0	£0	£0	£D	£0	£D	£0	£0			ÊÛ
Audit Fee	£0	£0	£0	EO	£0	£0	£0	EO	£0	£0	£0	£0	£0
Supervision of services fees	£D	£0	EO	£0	£0	£0	£0	EO	£0	£0	£Q		£0
Structural	1	1		1		1	1	t			1		
Internal Repairs & Maintenance	£1.39	£0.73	£0.73	£1.39	£1.39	£1.45	£1.82	£1.40	£1.62	£1.40	£1.39	£1.39	£7.45
M & E Repairs & Maintenance	£42.33	£22.25	£22.25	£42.33 <sup>.</sup>	£42.33	£44.07	£49.31	E42.76	£49.31	£42.76	£42.33	£42.33	£80,73
Health & Safety	£33,97	£17.86	£17.86	£33.97	£33.97	£35.38	£39.58	£34.32	£39.58	E34 32	£33.97	£33.97	£64.80
Cleaning	£3.90	£2.05	£2.05	£3.90	£3.90	£4.06	E4.55	£3.94	and the second se	E3.94	and the second se		£2.65
Insurance	£28.22	£14.84	£14.84	£28.22	£28.22	£29.38	£32.88	£28.51	£32.88	£28.51	£28.22	£28.22	£53.82
Fees re Financial Statement	-£0.40	-£0.21	-£0.21	-£0.40	-£0.40	-£0.42	-£0.47	-ED.41	-£0.47	-£0.41	-£0.40	-£0.40	-£0.77
Audit Fee	£0.40	£0.21	£0.21	£0.40	£0.40	£0.42	£0.47	£0.41	£0.47	£0.41	£0.40	£0.40	£0.77
Supervision of services fees	£12.52	£6.58	£6.58	£12.52	£12.52	£13.04	£14.58	£12.65	£14.58	£12.65			£23,88
Insurance Claim (Resi)		[				1							P-1
Expenditure subject to insurance claims	£338.73	£177.43	£180.66	£338.73	£338.73	£351.64	£393.58	£338.73	£393.58	£338.73	£338.73	£338.73	£645.21
Audit Fee	£1.26	£0.66	£0.67	£1.26	£1.26	£1.31	£1.47	£1.26	E1.47	£1.26	£1.26	£1.26	£2.41
Supervision of Services Fees	£39.23	£20.55	£20.92	£39.23	£39.23	£40.72	£45.58	£39.23	£45.58	£39.23	£39.23	E39.23	£74.71
						2010							
Residential General Costs	44.04							I					
	11,64		6.21	11.64	11.64	12.08	13.53	11.64	13.53	11.64	11.64	11.64	22.17
	396.31		The second s	396.31	396.31	411.41	480.48	396,31	460.48	396.31	396.31	396.31	754.89
M & E Repairs and	211.36	110.71	112.72	211.36	211.36	219.41	245.57	211.36	245.57	211.36	211.38	211.36	402.58
Maintenance	624.22	326.98			624.22	648	725.28	624.22	725.28	624.22	624.22		1189
	194.49	101.88	103.73	194.49	194.49	201.9	225.98	194.49	225.98	194.49	194.49	194.49	370,46
	22.02	11.54	11.75	22.02	22.02	22.86	25.59	22.02		22.02			41.95
nternal Repairs and Maintenance	43.48	22.78	23.2		43.48	45.15	50.53	43.48	50.53				82.83
and the second	4.84	2.53	the second s	4.84	the second s	5.02	5.62	4.84	5.62	4.84	4.84	4.84	9.22
and the second	30.04	15.74		30.04		31.18	34.9	30.04	34.9				57.21
and the second	1200.37	628.76	640.2	1200.37	1200.37	1246.1	1394.72	1200.37	1394.72				2286.43
	the second s	the second se		and the second se	11.96	12.42	13,89	11.96	13.89				22.78
valuet	74.8	39.18	39.89	74.8	74.8	77.65	86.91	And the second					142.48

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Electricity	578.19	302.87	308.37	578.19	578.19	600.23	671.81	10000		T	T	·	<b>.</b>
	5.14	2.59	2.74					578.19	671.81	578.19	578.19	578.19	1101.33
Audit Fee	18.42			5.14	5.14	5.33	5.97	5.14	5.97	5.14	5.14	5.14	9.79
	16.42	9.65	9.82	18.42	18.42	19.12	21.4	18.42	21.4	18.42	18.42	18 42	35.08
Supervision of services fees	402.71	210.94	214.78	402.71	402.71	418.04	467.9	402.71	467.9	402.71	402.71	402.71	767.06
Commercial	I			1	1		1		1	1	1	1	<u></u>
Internal Repairs and Maintenance	o	0	o	0	0	o	٥	0	0	0	0	0	0
Health & safety	0	0	0	0	0	0	0	0	0	0	0	0	0
Audit Fee	0	0	0	0	0	a	0	0	0	0	0	0	0
Supervision of services fees	0	0	٥	0	o	0	٥	0	0	Q	a	0	0
Structural:	1	1	1	1	+	1	1	1	1	1	1	1	1
Health & safety	23.25	12.22	12.22	23.25	23.25	24.21	27.08	23.49	27.08	23.49	23.25	23.25	44.34
M&E	6.97	3.67	3.67	6.97	6.97	7.26	8.12	7.04	8.12	7.04	6.97	6.97	13.29
Public Liability Insurance	18.41	9.68	9.68	18.41	18.41	19.16	21.44	18.6	21.44	18.6	18.41	18.41	35.1
Professional Fees		1			1	1	1	1	1		1	1	1
Audit Fee	21.39	11.25	11.25	21.39	21.39	22.28	24.92	21.61	24.92	21.61	21.39	21.39	40.81
Supervision of services fees	8.21	4.31	4.31	8.21	8.21	8.55	9.56	8.3	9.56	8.3	8.21	8.21	15.65
Insurance Claim (Resi)		1	1		1		1	1	1	1		1	]
Interior R&M	-52.61	-27.55	-28.06	-52.61	-52.61	-54.61	-61.12	-52.61	-61.12	-52.61	-52.61	-52.61	-100.21
Audit & Legal	0.04	0.02	0.02	0.04	0.04	0.91	0.05	0.04	0.05	0.04	0.04	0.04	0.08
M&E Sundry	60.09	31.48	32.05	60.09	60.09	62.39	69.83	60.09	69.83	60.09	60.09	60,09	114.48
Supervision of services fees	0.88	0.46	0.48	0.88	0,88	0.05	1.03	0.88	1.03	0.88	0.88	0.88	1.69
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Residential	1				<u> </u>				4		- <u> </u>		ļ
Management Fees	478.37	250.58	255.13	478.37	478.37	496.6	555.83	478.37	555.83	478.37	478.37	478.37	911.19
Accounting Fees	49.69	26.03	26.5	49.69	49.69	51.58	57,73	49.69	57.73	49.69	49.69	49.69	94.65
Professional Fees													
Office Costs	128.86	67.5	68.73	128.86	128.86	133.78	149.73	128.86	149.73	128.86	128.86	128.86	245,47
Telephones	16.44	8.61	8.77	16,44	16.44	17.06	19,1	16.44	19,1	16.44	16.44	16.44	31.31
Health, Safety & Environmental	15.98	8.38	8.53	15.98	15.98	16.5	18.58	15.98	18.5B	15.98	15.98	15.98	30.46
Electricity	259.05	135.69	138.16	259.05	259.05	268.92	300,99	259.05	300.99	259.05	259.05	259,05	493.42
Water	128.24	67.18	68.4	128.24	128.24	133.13	149.01	128.24	149.01	128.24	128.24	128.24	244.27
Security & Reception Services	1275.15	667.94	680.08	1275.15	1275.15	1323.72	1481.59	1275.15	1481.59	1275.15	1275.15	1275.15	2428.85
Internet Classics	Lange and the second se												

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Commercial Management Fees

Lift

Internal Cleaning

Pest Control

Maintenance

Sinking Fund

Insurance

Window Cleaning & Cradle

Internal Floral Displays

Seasonal Decorations

General Repairs &

236.87

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Accounting Fees	0	0	0	0	0	0	0	0	0	0	0	0	0
Internal Cleaning	0	0	0	0	0	0	0	0	0	0	0	0	0
Internal Repairs and Maintenance	0	0	0	0	0	0	o	0	0	0	o	D	0
Residential & Commercial													
Management Fees	7.71	4.05	4,05	7.71	7.71	8.03	8.98	7.79	8.98	7.79	7.71	7.71	14.7
Accounting Fees	0.32	0.16	0.16	0.32	0.32	0.33	0.37	0.32	0.37	0.32	0.32	0.32	0.61
Professional Fees	-0.75	-0.4	-0.4	-0.75	-0.75	-0.79	-D.88	-0.76	-0.88	-0.76	-0,75	-0.75	-1.44
Health, Safety & Environmental	36.55	19.21	19.21	36.55	36.55	38.05	42.58	36.92	42.58	36.92	36.55	36.55	69.71
Electricity	12.73	6.7	6.7	12.73	12.73	13.25	14,83	12.86	14.83	12.86	12.73	12.73	24.28
Insurance	17.77	9.34	9.34	17.77	17.77	18.5	20.7	17.95	20.7	17.95	17.77	17.77	33.89
Insurance Claim (Resi)													
Management Fees	6.38	3.34	3.4	6.38	6.38	6.62	7.41	6.38	7.41	6.38	6.38	6.38	12.14
Accounting fees	0.26	0,13	0.13	0.26	0.26	0.27	0.3	0.26	0.3	0.26	0.26	0.26	0.49
General Repairs and Maintenance	54	28.28	28.8	54	54	56.06	62.74	54	62.74	54	54	54	102.85

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

Case Reference	:	MAN/00BN/LSC/2013/0011 MAN/00BN/LDC/2015/0028
Property	:	No. 1 Deansgate, Manchester M3 1AZ
Applicant	:	No. 1 Deansgate (Residential) Limited
Respondent	:	Various Leaseholders
Type of Application	:	Landlord and Tenant Act 1985 – s 27A Landlord and Tenant Act 1985 – s 20ZA
Tribunal Member	:	Judge L. Bennett Mr I. James
Date of Directions	:	15 <sup>th</sup> January 2016

## DECISION

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#### BACKGROUND

A hearing of the substantive Application took place on 27 November 2015.

Directions were made for consideration of the S20ZA application.

None of the Respondents have provided a response

#### ORDER

Taking into account the evidence provided by the Applicants the Tribunal concludes it appropriate to grant dispensation from the consultation requirements imposed by S20ZA of the Landlord and Tenants Act 1985 in respect of any item of expenditure within the service charge years for which the Tribunal determined sums payable as set out in the schedule appended to order dated 27<sup>th</sup> November 2015.