

12187



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

**Case Reference** : **LON/ooBB/LSC/2017/0113**

**Property** : **333B Prince Regent Lane, London  
E16 3JL**

**Applicant** : **Melvyn Fordham**

**Representative** : **L.E. Law Solicitors**

**Respondent** : **Topfling Limited**

**Representative** : **JPC Law**

**Type of Application** : **Service charges**

**Tribunal Members** : **Judge LM Tagliavini**

**Date and venue of  
(paper) hearing** : **10 Alfred Place, London WC1E 7LR  
24 May 2017**

**Date of Decision** : **24 May 2017**

---

**DECISION**

---

### **The tribunal determines the following:**

- (i) The demand for payment of service charges in the sum of £303.61 dated 9 August 2016, does not contain the name and address of the landlord in compliance with section 47 of the Landlord and Tenant Act 1985. ("the Act"). Therefore, the sum claimed is not yet due from the Respondent lessee, although the reasonableness of this sum is not disputed. Further, the tribunal determines that the Applicant as a single joint landlord, can validly demand service charges from the respondent so long as the statutory requirements are satisfied in accordance with the Landlord and Tenant Act 1985

### **The application**

1. By an order dated 19 January 2017, this application was transferred from the county court at Chelmsford to the First-tier Property Tribunal. The application concerns the payment of outstanding service charges in the sum of £303.61. By directions given by the tribunal dated 24 April 2017, the only issues in dispute were identified as (i) whether the service charges have been validly demanded in the absence of the demand containing the name and address of the landlord pursuant to section 47 of the Landlord and Tenant Act 1985, and (ii) whether a single joint landlord can bring proceedings for these alleged service charge arrears.

### **The Applicant's case**

2. The Applicant relied on a small lever arch file containing the relevant documents and submits that the demand for payment of service charges dated 9 August 2016 should be read together with the letter of 3 August 2016. This letter of 3 August 2016 refers to outstanding accounts dated 4 August 2015 and 28 August 2015 and provides the Respondent with the necessary section 47 information. It is submitted that read together, these documents satisfy the requirements of section 47 of the Act and the demand for payment dated 9 August 2016. Further, the Applicant submits that a single landlord is entitled to bring proceeding on behalf of joint landlords as there s ostensible authority to do so although in this matter the Applicant has been given actual authority.

### **The Respondent's case**

3. The Respondent relies upon the Defence filed and served in the county court proceedings and makes no further submissions.

### **The tribunals' decision and reasons**

4. The tribunal finds that the demand for payment of service charges dated 9 August 2017 does not comply with section 47 of the Act. Although the name and address of the landlord is in fact recorded in this demand, the landlord's identity is not expressly made known. The tribunal determines that this defect cannot be remedied, by an earlier letter served for the purposes of seeking payment of other earlier incurred arrears of service charge. The tribunal considers that although this matter is unfortunate as it is clear from the parties' history that the section 47 matters are known to the Respondent, the tribunal considers any defect in the service charge demand can be easily remedied "*when any written demand is given to the tenant of premises...*" by the service of the appropriate notice containing the relevant information on every occasion service charges/rent is demanded.
5. The tribunal is satisfied that the Applicant has both implied and actual authority to bring these proceedings and does not uphold the Respondent's defence in this respect.
6. Therefore, the tribunal concludes that the sum claimed by the Applicant is not yet due or payable by the Respondent. The tribunal now remits this matter back to the county court for any further orders.

Signed: Judge LM Tagliavini

Dated: 24 May 2017