



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

Case Reference : CHI/00HE/LIS/2019/0074

Property : The Mills Penpol Sidings Hayle TR27 4FQ

Applicants : Daniel Reeves and others

Representative : Anthony Richards MRICS FAAV

Respondent : M W Freehold Limited

Representative : Moreland Property Group

Type of Application : Determination of reasonableness of service charges

Tribunal Member(s) : Mr W H Gater FRICS MCI Arb

Date of Decision : 23 June 2020

Decision

Background

1. The Applicants sought a determination under Section 27A of the Landlord and Tenant Act 1985 (the 1985 Act) as to whether service charges are payable for the years 2013 to 2019 and under Schedule 11 to the Commonhold and Leasehold Reform Act 2002 (the 2002 Act) as to whether administration charges are payable.
2. The Tribunal issued its decision on 1 June 2020.
3. Subsequently the Applicants have raised questions about the decision, namely that it did not deal with the Applicants request for the following:-

A: That all demands for payment, the last batch of which were issued on 9th December 2019, should be withdrawn (except ground rent for 2020 which all Tenants advise have been paid). With this, the County Court claim against Mr and Mrs Long should be withdrawn.

B: A direction from the Tribunal that no further management costs should be levied upon the Tenants by Moreland Estate Property Management Ltd. Any work undertaken on the joint car park should be apportioned between the two blocks it serves. The apportioned costs for Flats 5-10 should be invoiced to The Mills Right To Manage Company Ltd.

C: The accounts y/e 24th December 2018 show a balance of Tenants' funds of £4228.53 plus sinking fund of £1300 (page 123). £5528.53 should be returned to the Tenants via the RTM without delay.

SUPPLEMENTAL DECISION

1. Item A above is a matter for the County Court and the Tribunal has no jurisdiction to deal with this.
2. Item B. The Tribunal's jurisdiction is limited to determining the reasonableness and payability of costs levied. It does not have jurisdiction to prevent or prohibit the issue of demands.

3. Item C. The Tribunal has dealt with the issue of a sinking fund in its decision. It has no jurisdiction to enforce recovery of debts and this is a matter for the County Court.