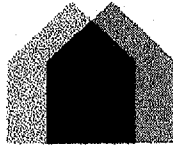


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**Residential  
Property**  
TRIBUNAL SERVICE

**RESIDENTIAL PROPERTY TRIBUNAL SERVICE**

**DIRECTIONS BY LEASEHOLD VALUATION TRIBUNAL for the  
LONDON RENT ASSESSMENT PANEL**

**LANDLORD AND TENANT ACT 1985 Section 27A**

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**LON/00BK/LSC/2007/0445**

**Property:** Flat 1 George Street Mansions, George Street,  
London W1H 5LB

**Applicant:** George Street Mansions Management Co Ltd.,

**Represented by:** Benson Mazure LLP Solicitors

**Respondents:** Belgrave Properties Limited

**Date of Application:** 7th November 2007

**Date of Determination** 21st February 2008

**Tribunal Members:** Mr A A Dutton Chair  
Mr D D Banfield FRICS  
Mrs G V Barrett JP

**Date of decision:** 3<sup>rd</sup> March 2008

## **REASONS AND DECISION**

### **Background**

1. The application under section 27A of the Landlord and Tenant Act 1985 for the determination of the liability to pay service charges was made by George Street Mansions Management Company Limited the management company of the lessees of the premises.
2. The claim relates to outstanding service charges for the years January 2005 to March 2007. Despite demands being made of the Respondent Belgrave Properties Limited they have failed to respond and indeed have not participated in these proceedings.
3. By directions dated 10th December 2007 it was ordered that the matter be determined by way of a paper determination and the matter came before us on 21st February 2008 for that purpose.
4. In the papers before us was a statement of Mr T W S Burr a director of Parkgate-Aspen Ltd, the managing agents for the Applicant. In addition following a request for further documentation made by the tribunal in a letter dated 22nd January 2008, the solicitors for the Applicants had lodged additional papers which we noted.

### **The Law**

Section 18(1) of the Act provides that, for the purposes of the relevant parts of the Act, "service charge" means an amount payable by a tenant of a dwelling as part of or in addition to the rent –

- (a) which is payable, directly or indirectly, for services, repairs, maintenance, improvements or insurance or the landlord's costs of management, and
- (b) the whole or part of which varies or may vary according to the relevant costs.

Section 19(1) of the Act provides that 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.

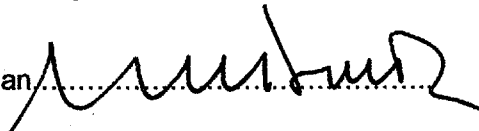
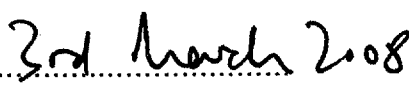
Section 19(2) of the Act provides that, where a service charge is payable before the relevant costs are incurred, no greater amount than is reasonable is so payable, and after the relevant costs have been incurred any necessary adjustment shall be made by repayment, reduction or subsequent charges or otherwise.

Section 27A(1) of the Act provides that that an application may be made to a leasehold valuation tribunal for a determination whether a service charge is payable and, if it is, as to –

- (a) the person by whom it is payable,
- (b) the person to whom it is payable,
- (c) the amount which is payable,
- (d) the date at or by which it is payable, and
- (e) the manner in which it is payable.

**Decision**

- 5. Having reviewed the papers we have satisfied ourselves that the costs which the Applicants seek to recover for the period in question are reasonable. There is no evidence before us that the standard of works are unsatisfactory and as stated above the Respondents have not participated in this action.
- 6. Accordingly we order that the Respondent should pay the outstanding service charges sum within 28 days. The sum outstanding at the time of Mr Burr's witness statement was £7,276.77 together with a further sum of £142.17 which appears to relate to plumbing costs (see para 6 of the statement).
- 7. In addition we order that the fees paid to the tribunal should be repaid to the Applicant by the Respondent. These total £200 and should be repaid within 28 days

Chairman.......... Date..........