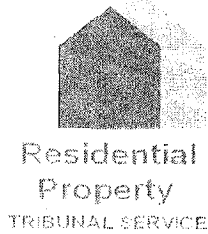


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LEASEHOLD VALUATION TRIBUNAL

LANDLORD AND TENANT ACT 1985 SECTION 27A

12 Aislabie House, 7 Cunard Crescent, London N21 2TL

Ref: LON/00AK/LSC/2010/0237

Halliwick Gate Residents Company Limited

Applicant

Richard Curson (1) Andrew McCarron (2)

Respondents

Tribunal: Mr M Martynski (Solicitor)
Mr T Sennett MA FCIEH
Mr C Piarroux JP CQSW

Hearing: 23 August 2010

Appearances: Mr Rodgers (Counsel for the Applicant)
Mr Vittachi (Solicitor for the Respondents)

DECISION

Summary

1. The service charge on account demands claimed of £1335.56 (Uxbridge County Court – claim number 9UB01985) and £1425.70 (Barnet County Court – claim number 0SI00626) are reasonable and payable by the Respondents.

2. The Respondents are to pay to the Applicant the sum of £150.00 being the fee paid by the Applicant to the Tribunal in these proceedings.

3. No order is made pursuant to section 20C Landlord and Tenant Act 1985.

Background

4. Two separate sets of proceedings have been issued by the Applicant against the Respondents in respect of service charges demanded on account for the years 2009 (Uxbridge County Court) and 2010 (Barnet County Court). Both sets of proceedings were transferred to this Tribunal for determination and have been dealt with by the Tribunal within the same proceedings given that they concern the same parties and the same property.

5. The Respondents filed defences to the proceedings in the County Courts and filed a statement of case within the Tribunal proceedings challenging the reasonableness and payability of the service charges demanded and seeking a declaration as to costs pursuant to section 20C Landlord and Tenant Act 1985.

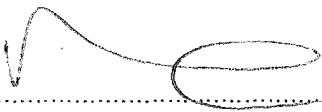
6. At the final hearing, Mr Vittachi on behalf of the Respondents, told the Tribunal that the Respondents no longer wished to pursue their challenge and withdrew the application under section 20C. Counsel for the Applicant was, in the circumstances, only able to offer to the Tribunal the evidence contained in the hearing bundle and the signed witness statements proffered on behalf of the Applicant. The Tribunal made its decision having considered those documents and witness statements.

Decision

7. The Tribunal determines that the sums claimed on account for service charges in the years 2009 and 2010 are payable by the Respondents.

8. It follows that the Respondents should pay to the Applicant the sum of £150.00 being the fee paid by the Applicant to the Tribunal in these proceedings.

9. Given the outcome of the proceedings and the withdrawal of the application by the Respondents, no order is made pursuant to Section 20C Landlord and Tenant Act 1985.



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Mark Martynski, Tribunal Chairman

23 August 2010