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LON/00BF/LSC/2009/0800

DECISION OF THE LEASEHOLD VALUATION TRIBUNAL
ON AN APPLICATION UNDER SECTION 27A
OF THE LANDLORD AND TENANT ACT 1985 (AS AMENDED)

Applicant: Westleigh Properties Ltd

Respondent: Mr A Sutharsan

Re: Flat 2, 13 Cedar Road, Sutton, Surrey SM2 5DA

Application received from Croydon County Court on 7 December 2009

Hearing date: 15 April 2010

Members of the Leasehold Valuation Tribunal:

Mr I Mohabir LLB (Hons)

Mr J M Power MSc FRICS FCIArb

Mr D J Wills ACIB

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IN THE LEASEHOLD VALUATION TRIBUNAL

LON/00BF/LSC/2009/0800

BETWEEN:

WESTLEIGH PROPERTIES LIMITED

Applicant

-and-

AMIRTHALINGAM SUTHARSAN

Respondent

ORDER

UPON hearing a representative for the Applicant and Counsel for the Respondent

AND UPON the Applicant admitting that valid statutory consultation under s.20 of the Landlord and Tenant Act 1985 (as amended) had not taken place in relation to the proposed external redecorations

AND UPON the Applicant admitting that it had no contractual entitlement under clause 4(5) of the Respondent's lease to claim an interim contribution in advance and on account in relation to the maintenance charge and thereby the estimated cost of the proposed external redecorations that is the subject matter of these proceedings

AND UPON the Applicant conceding that it will not seek to recover against the Respondent any costs it had incurred in these proceedings

BY CONSENT it is ordered that:

1. This application be dismissed.

Dated the 15 day of April 2010

CHAIRMAN.....
Mr I Mohabir LLB (Hons)

J. Mohabir