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Residential
Property
TRIBUNAL SERVICE

**RESIDENTIAL PROPERTY TRIBUNAL SERVICE
DETERMINATION BY LEASEHOLD VALUATION TRIBUNAL for the
LONDON RENT ASSESSMENT PANEL**

Landlord and Tenant Act 1985 S 27A

LON/00AH/LSC/2011/0482

Premises: Flat 2, 80 Park Lane, Croydon, CRO 1JE
Applicant: Headroom Limited (in Receivership)
Represented by: Mr T Stanley of Salter Rex
Respondent: Mr and Mrs N Patel
Tribunal: Mr J C Avery BSc FRICS
Mr C Gowman BSc MCIEH

Preliminary

- A. On 20 June 2011 Croydon County Court transferred to the tribunal the determination of the Respondent's liability for arrears of service charges amounting £7549.36 and £861.38 legal fees incurred in bringing the proceedings
- B. Following the PTR the Applicant who was represented by Altermans but who did not attend, were directed to send a copy to the Liquidator, who in turn was directed to send to the Respondents by 7 September a response to the Respondents' defence in the County Court.
- C. The Applicant was also directed to prepare a bundle to be delivered not later than 28 September. No such documents were submitted and at the start of the hearing on 20 October Salter Rex, who appeared for the Applicant, had not seen the Directions, or the bundle submitted by Mr Patel, and which had been sent by Mr Patel to Altermans..
- D. The case was heard on 20 October 2011 at 10.0 am. Mr T Stanley of Salter Rex represented the Liquidator. Mr Patel represented himself, with the assistance of his daughter, Miss N Patel.

- E. Mr Stanley advised the tribunal that the joint Receivers were (i) Irish Nationwide Building Society and (ii) Patrick Brennan and Paul Gamble of BTW shiells. Salter Rex had been asked to collect the ground rents and service charges as from the date of the Receivers' appointment – 16 May 2011. Mr Stanley said that they were not paid for their appearance at the hearing.

The hearing

1. After attempting to clarify the composition of the sums claimed Mr Stanley requested an adjournment in order that he might discuss with the Respondents a narrowing of the issues. It was becoming clear that part of the problem arose because some payments appeared to have been made without appearing in, or carried forward to, Salter Rex's accounts
2. After a 45 minute adjournment the parties informed the tribunal that they had agreed that (i) Up to 31 March 2011 Mr & Mrs Patel were not in arrears and, subject to a query over the sum of £40.48, were in credit in the amount of £571.15. This amount of £40.48 was conceded by Mr Patel so that the credit was reduced to £530.67.
3. The parties agreed that a sum of £5,966.00 had been paid to Newservice Limited (at that time the landlord) by Matthew Arnold & Baldwin on behalf of Mr Patel in 2007 although it had not appeared in the accounts of the managing agent.
4. **The tribunal finds that the Respondents are not liable for the sum of £7,549.36 claimed in court, and are entitled to a credit of £530.67 as at 31 March 2011.**
5. **The tribunal has no jurisdiction to determine that the legal costs of bringing the proceedings should not be borne by the Respondent; this is a matter (as are court fees and interest) for the County Court.**

Costs

6. Mr Stanley told the tribunal that no costs of the proceedings would be added to a service charge and did not oppose an order under section 20C of the Landlord and Tenant Act 1985, which is hereby made.

Chairman,  Mr J C Avery B Sc FRICS Date: 20 October 2011