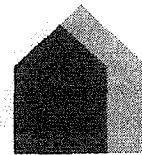


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**HM Courts  
& Tribunals  
Service**



**Residential  
Property  
TRIBUNAL SERVICE**

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

**Landlord and Tenant Act 1985 – Section 27A**

**LON/00AY/LSC/2011/0576**

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<b>Property</b>	<b>:</b>	<b>44 Albert Carr Gardens, London SW16 3HF</b>	
<b>Applicant</b>	<b>:</b>	<b>London Borough of Lambeth</b>	<b>Landlord</b>
<b>Represented by</b>	<b>:</b>	<b>Mr O Hinds</b>	<b>Counsel</b>
<b>Respondent</b>	<b>:</b>	<b>Mr Mark Perera</b>	<b>Tenant</b>
<b>Represented by</b>	<b>:</b>	<b>Mr M Perera</b>	<b>In Person</b>
		<b>Mrs E Perera</b>	<b>Mother</b>
<b>Date of Referral</b>	<b>:</b>	<b>17 August 2011</b>	
<b>Date of Hearing</b>	<b>:</b>	<b>14 November 2011</b>	
<b>Date of Decision</b>	<b>:</b>	<b>21 November 2011</b>	
<b>Tribunal</b>	<b>:</b>	<b>Mr John Hewitt</b>	<b>Chairman</b>
		<b>Mrs Evelyn Flint</b>	<b>DMS FRICS IRRV</b>
		<b>Mr Paul Clabburn</b>	

**Decision**

1. The decision of the Tribunal is that:
  - 1.1 We record the parties have agreed that:

1. the amount of service charges payable by the Respondent to the Applicant in respect of major works carried out in 2009 and which are the subject of the claim made by the Applicant in court proceedings Claim Number 1XZ73434 and which were transferred to the Tribunal by order made 11 August and drawn 17 August 2011 is the sum of £911.00; and
2. the said sum of £911 shall be payable by the Respondent to the Applicant within 10 days of the Applicant completing remedial works described in a report issued by Mr M Dickenson dated 28-09-2011 a copy of which is at page 77 of the trial bundle made available to us for the hearing.

1.2 We refer back to the court the following claims:

1. Statutory interest pursuant to the section 69 County Courts Act 1984;
2. Court fee £85; and
3. Solicitor's costs £80.00

because we do not have jurisdiction to determine these claims.

**NB** Later reference in this Decision to a number in square brackets ([ ]) is a reference to the page number of the hearing file provided to us for use at the hearing.

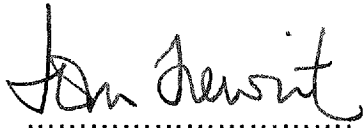
### **Background**

2. This claim arises in connection with major electrical works carried out by the Applicant in or about 2009. The Applicant commenced legal proceedings to recover the sum of £2,823.16 said to be the proportion payable by the Respondent. By order made 11 August 2011 the court transferred the claim to the Tribunal. Directions were given and the matter was listed for hearing on 14 November 2011. On the morning of that day the Tribunal had the benefit of an inspection of the Property in

the company of the Respondent and his parents and a representative of the Applicant and its counsel, Mr Hinds.

- 3 At the commencement of the hearing Mr Hinds explained that the wrong percentage contribution had been adopted by the Applicant in ascertaining the amount payable by the Respondent and the claim was reduced from £2,823.16 to £1,882.10.
  
4. In its statement of case the Applicant conceded that certain remedial works to the electrical supply and cabling within the Respondent's flat were required. Evidently the Applicant had hoped to have had those works carried out before the date of the hearing. They did not do so. The Tribunal heard submissions about an attendance by electrical contractors at the Respondent's flat on Thursday 10 November 2011 and rival submissions and evidence from the Respondent and his mother, Mrs Perera, about the circumstances of that unannounced visit. The Tribunal determined that the Applicant had not made any or any sufficient efforts to execute the necessary remedial works prior to the hearing (notwithstanding that the Applicant did not dispute that the shoddy work originally carried out created fire and safety risks) and that the Respondent had not denied access to the Applicant's contractors. The contractors were granted access to inspect the electrical equipment to see what was required but Mrs Perera had questioned their knowledge of the extent of the remedial works required.
  
5. Following discussion between the parties it was reported to the Tribunal that they had arrived at terms of settlement as follows:
  1. The Applicant shall carry out the remedial works – it now hoped to be able to do so within 10 working days;
  2. The contribution payable by the Respondent to the Applicant in respect of the major works electrical works project was the sum of £911.00; and

3. The said sum of £911.00 shall be payable to the Applicant within 10 working days of the remedial works being carried out to a satisfactory standard.
  
6. We have referred back to the court:
  1. the claim to statutory interest because that is a matter for the discretion of the judge. We would however observe that as the agreed time for payment of the contribution has not yet arrived the claim to interest for non-payment may be otiose.
  
  2. the claims to the court fee and scale costs because we do not have jurisdiction to determine them.



John Hewitt

Chairman

21 November 2011