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**DECISION OF THE LEASEHOLD VALUATION TRIBUNAL ON AN APPLICATION
UNDER SECTION 27A OF THE LANDLORD AND TENANT ACT 1985 AND
SCHEDULE 11 OF THE COMMONHOLD AND LEASEHOLD REFORM ACT 2002**

Case Reference:	LON/00AG/LSC/2012/0539
Premises:	Flat 1 Coram Mansions, 68 Millman Street, WC1n 3EG
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Applicant(s):	Goldwin Limited
Representative:	Dr E Saleh
Respondent(s):	Bertney Investments Limited
Representative:	N/A
Date of hearing (paper)	25 September 2012
Appearance for Applicant(s):	Dr Saleh
Appearance for Respondent(s):	N/A
Leasehold Valuation Tribunal:	Ms LM Tagliavini, Barrister & Attorney-at-Law (NY) Mrs S Redmond, BSc(Econ), MRICS
Date of decision:	25 September 2012

Decision of the Tribunal

(1) The Tribunal does not have jurisdiction to accept the application made in respect of service charges for the years 2004-2008 (inclusive) as these have been decided in the LVT decision *LON/OOAG/LSC/2009/0651* dated 16/2/10. In that decision the LVT expressly permitted the costs of that application to be added to the service charges. Those legal costs have been charged in the proportionate amount (1/6) to the Applicant and paid by him in the sum of £700. The Applicant does not now seek to challenge that sum but rather the costs incurred by way of the Respondent's winding-up petition. The Tribunal does not have the jurisdiction to determine these costs pursuant to Schedule 11 of the Commonhold and Leasehold Reform Act 2002.

The Tribunal's reasons

1. By an application received on 09/08/12 the Applicant sought a calculation of the service charges due for the years 2004-2008 and a determination as to *"how much we have to pay on top of what we have paid £5,789.53"*. By an application received on 15 August 2012 the Applicant sought a determination of the reasonableness of legal costs for the earlier LVT application *LSC/2009/0651* asserting that *"The Landlord did not comply with the LVT decisions"* and asking the LVT to decide the reasonable costs of that earlier case as administration charges.
2. The Respondent did not attend the preliminary hearing, but notified the Tribunal it regarded the applications as frivolous as the service charges for the disputed years 2004-2008 had now all been paid. The only dispute between the parties is one of costs following the dismissal (by agreement) of a winding-up petition.
3. The Tribunal heard oral submissions from the Applicant. It appeared to the Tribunal that the Applicant wished the Tribunal to calculate what he had paid and off-set against the sums the Tribunal had decided were payable. It was pointed out to Dr Saleh that this was an accounting exercise only and one that could easily be achieved by reference to the service charge demand and the Tribunal's decision, off-setting any sums disallowed by the Tribunal and the sums said to have been paid by the Applicant. The Tribunal noted that the Applicant had not sought clarification of its 2009 decision at any earlier date and had informed the Tribunal in *LON/OOAG/LLC/2010/0002* (decision dated 7/6/10) that he intended to pay these service charges. Therefore, the Tribunal was not prepared to re-visit an application determined in 2009 on which, a clear and detailed decision had been made and considered that the current application was a duplication of the one heard and decided previously.

4. Similarly, the Applicant appeared to question the legal costs arising from the previous application and added to the service charges by challenging them as administration costs. However, the Applicant variously sought to assert that the landlord had not added the legal costs as directed by the Tribunal and that they had been paid in the sum of £700. The Applicant now appeared to the Tribunal to be seeking to challenge the costs of the winding-up petition and not the costs relating to the previous application. The Tribunal has no jurisdiction over the costs incurred as a result of a winding-up petition and therefore determines that this application is not within the jurisdiction of the Tribunal.

5. In conclusion the Tribunal determines that it has no jurisdiction to determine the applications made.


Chairman: LM Tagliavini

Dated: 25 September 2012