

9589



**FIRST-TIER TRIBUNAL  
PROPERTY CHAMBER  
(RESIDENTIAL PROPERTY)**

**Case Reference** : LON/00AY/LAC/2013/0028

**Property** : Flat 2, 98 Christchurch Road,  
London SW2 3DF

**Applicant Landlord** : Primeview Developments Ltd

**Representative** : Mr Newman, solicitor

**Respondent Tenants** : Casey Abaroayne

**Representative** : No appearance

**Type of Application** : Liability to pay administrative  
charges

**Tribunal Members** : Judge Adrian Jack, Surveyor  
Member Luis Jarero BSc FRICS,  
Tribunal Member J Francis QPM

**Date and venue of  
hearing** : 10 Alfred Place, London WC1E 7LR

**Date of Decision** : 17<sup>th</sup> January 2014

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**DECISION**

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## **Background**

1. By an application dated 6<sup>th</sup> November the landlord sought the determination of the liability of two tenants, Mr Abaroayne of Flat 2 and Mr Gachette of Flat 3, for the legal costs incurred in proceeds before the Tribunal under reference LON/00AY/LAC/2013/0011 and the costs of the current proceedings. The case against Mr Gachette settled prior to the Tribunal hearing.
2. The relevant history starts with an earlier Tribunal decision of what was then the Leasehold Valuation Tribunal under reference LON/00AY/2012/0701. The landlord in that application sought a determination of the liability of the six tenants at 98 Christchurch Road for works which were intended to be carried out in the service charge year 1<sup>st</sup> April 2012 to 31<sup>st</sup> March 2013. The Tribunal (Mr Jack, Mr Jarero and Mrs Clark) made determinations in favour of the landlord. An appeal by five of the tenants was unsuccessful: the Upper Tribunal (Lands Chamber) refused permission to appeal. (The case of one tenant had settled.)
3. Whilst the appeal was pending, the landlord applied to what was now the First-tier Tribunal (Property Chamber) for a determination of what costs in the LON/00AY/2012/0701 case were payable by the five tenants who had not settled. The Tribunal, comprising Judge Lady Wilson and Surveyor Member Manson FRICS, by a decision dated 5<sup>th</sup> August 2013 determined the amounts of legal costs payable in the earlier case.

## **DISCUSSION**

4. The Tribunal gratefully adopts the statement of the law and the relevant provisions of the lease contained in the decision of Judge Lady Wilson and Surveyor Member Manson.
5. Directions were given in this matter by Judge Jack on 13<sup>th</sup> November 2013. Mr Abaroayne failed to comply with the directions. When the matter came on for an oral hearing, Mr Newman, the managing agents' in-house solicitor, appeared, but Mr Abaroayne did not.
6. Mr Newman explained that he was seeking one fifth of the costs of the proceedings before Judge Lady Wilson and Surveyor Member Manson, amounting to £775.00. In addition he was seeking Mr Abaroayne's share, namely one half, of the fixed costs of £1,500 which was being charged in respect of the current proceedings.
7. Like Judge Lady Wilson and Surveyor Member Manson and for the reasons they give, we find that the costs claimed by Mr Newman are reasonable in amount and that they are payable under the terms of the lease by the tenants.

## DECISION

The tenant, Mr Abaroayne, is liable to pay the landlord:

(a) £775 in respect of the proceedings  
LON/00AY/2012/0701, and

(b) £750 in respect of the current proceedings.

**Name:** \_\_\_\_\_  
Adrian Jack

**Date:** 17<sup>th</sup> January 2014

**DETERMINATION PROGRESS REPORT**

<b>Case Reference or Property Address</b>	<b>98 Christchurch Road, London, SW2 3DF LON/00AY/LAC/2013/0028</b>
<b>Name of Case Officer</b>	Cheryl Reid (Ex 7805)
<b>Name of Hearing clerk</b>	Cheryl Reid
<b>Members of LVT / RPT/RAC*</b>	Mr Jack
	Mr Jarero
	Mr Francis
<b>Hearing/meeting date</b>	17 January 2014
<b>Last date for decision</b>	

**The following should be completed by the by the chairman and the form returned to the hearing clerk before s/he leaves the building.**

<b>Did you reach a decision?</b>	<b>YES/NO</b>
<b>Have you issued the decision?</b>	<b>YES/NO</b> (if yes, please attach to this form)
<b>If not when do you expect to issue it?</b>	<i>WITHIN 5 WEEKS</i>
<b>If in more than five weeks please explain the delay</b>	
<b>Are parties aware?</b>	
<b>Why were you unable to reach a decision?</b>	
<b>Date by which any further evidence or submissions to be provided?</b>	(Please attach any further directions issued)
<b>If an oral hearing when do you propose to reconvene?</b>	(Please attach signed reconvene application)
<b>What work remains outstanding?</b>	
<b>Expected decision date</b>	
<b>Chairman's Name</b>	<i>JUDGE JACK</i>
<b>Signature</b>	<i>John Fr.</i>
<b>Date</b>	<i>17-1-14</i>