



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

Case reference	:	CAM/22UD/LSC/2019/0019
Property	:	2 Brookhouse Place, Bishops Stortford, Hertfordshire, CM23 2GA
Applicant	:	Brookhouse Management Limited
Representative	:	None
Respondent	:	Alan Joseph Bate
Representative	:	None
Type of application	:	Determination of service charges: section 27A Landlord and Tenant Act 1985
Tribunal member(s)	:	Tribunal Chair Hardman
Date of decision	:	1 April 2019

DECISION

Decisions of the tribunal

- (1) The tribunal determines that it has no jurisdiction in this case as the disputed charges are not service charges but rent charges payable by a freehold owner.
- (2) The case be transferred back to the Chelmsford County Court.

The application

1. This case was sent to the tribunal by an order of Chelmsford County Court dated 7th February 2019 for a determination of what, if any, service charges are due and payable.
2. The application was made under section 27A of the Landlord and Tenant Act 1985 (“the Act”). Under that section the tribunal only has jurisdiction to determine the payability of service charges.
3. Section 18 of the Act defines a service charge as “an amount payable by a tenant”. In this case the disputed charges are not payable by a tenant. They are not service charges but rent charges payable by a freehold owner
4. It follows that, as the service charges are levied in respect of freehold premises, the tribunal does not have jurisdiction and the matter must therefore be referred back to the County Court pursuant to the tribunal’s case management powers under Rule 6 of the Tribunal procedure (First-tier Tribunal) (Property Chamber) Rules 2013.

Name: Tribunal Chair Hardman **Date:** 1 April 2019

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.

The application for permission to appeal must arrive at the regional office within 28 days after the tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).