



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

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| <b>Case reference</b>      | <b>:</b> | <b>CAM/26UH/LAC/2022/0001</b>   |
| <b>Property</b>            | <b>:</b> | <b>17 Monument Court, Woolners Way, Stevenage SG1 3AD</b>                         |
| <b>Applicant</b>           | <b>:</b> | <b>Bernadette Bridget Hughes and Jack Ultan Hughes</b>                            |
| <b>Respondent</b>          | <b>:</b> | <b>Woolners Way (Stevenage) Management Company Limited</b>                        |
| <b>Type of application</b> | <b>:</b> | <b>Application for a determination of liability to pay administration charges</b> |
| <b>Tribunal member</b>     | <b>:</b> | <b>Regional Judge Wayte</b>   |
| <b>Date</b>                | <b>:</b> | <b>5 December 2022</b>  |

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**DECISION**

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**The tribunal has decided that:**

- (1) The application is struck out; and**  
**(2) No order is made under section 20C of the 1985 Act or paragraph 5A of the 2002 Act in respect of the respondent's costs.**

**Reasons**

1. By an application dated 25 August 2022 the applicants sought to challenge the “disproportionate escalation of outstanding service charge arrears” and in particular the legal charges of £750 and interest of £237.21 set out in the letter from Property Management Legal Services dated 28 July 2022. The applicants also made an application to prevent the respondent from claiming their costs from the applicants as an administration charge under paragraph 5A of Schedule 11 to the Commonhold and Leasehold Reform Act 2002 or adding any costs of the proceedings to the service charge for all leaseholders under section 20C of the Landlord and Tenant Act 1985.

2. Directions were given on 7 September 2022 but the tribunal subsequently wrote to the parties on 18 October 2022 to confirm that it had no jurisdiction in relation to the determination of interest due under the lease. The directions were then varied to order the respondent to file their statement of case and documents in respect of the remaining issue by 28 October 2022.
3. A copy was sent to the tribunal and following queries raised by me it became clear that the sum of £750 had not yet been demanded. As the respondent had identified in their statement of case dated 25 October 2022, the tribunal's jurisdiction in relation to administration charges in paragraph 1 of Schedule 11 to the 2002 Act only extends to administration charges which are "payable", i.e. demanded. In those circumstances I wrote to the parties on 18 November 2022 to confirm that I was thinking of striking out the application in relation to the £750 but would give the applicants until 28 November to make any representations about that and until 1 December to make any additional representations about their application in respect of the respondent's costs.
4. No representations were received and in the circumstances I am striking out the application in relation to the £750 identified in the letter under rule 9(2)(a) on the basis that the tribunal does not have jurisdiction. If any such charges are made in the future i.e. added to the service charge account, the applicants may make another application, although it will be considered in the light of all circumstances of the case, including whether arrears have accrued on the service charge account.
5. In the circumstances I am also going to refuse the applications under section 20C of the 1985 Act and paragraph 5A of the 2002 Act. The application was misconceived and there is clearly a history of arrears to justify the respondent instructing debt collectors. That said, I agree with the applicants that the respondent's bundle was disproportionately large in the light of the issue in dispute. It would have been sufficient to simply confirm that no charge had been made. In those circumstances, if significant costs are subsequently added to the service charge and/or claimed as an administration charge from the applicants, a further application may be in order.

**Name:** Judge Wayte

**Date:** 5 December 2022

### **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).