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LON/00AZ/LSC/2006/0023

**DECISION OF THE LEASEHOLD VALUATION TRIBUNAL ON APPLICATIONS  
UNDER SECTIONS 27A OF THE LANDLORD & TENANT ACT 1985**

**Applicant: The Lessees of Woodstock Court**

**Represented by: Mr T W de Lury**

**Respondent: Grangepoint Ltd**

**Represented by: Bude Nathan Iwanier Solicitors**

**Re: Woodstock Court, Burnt Ash Hill, London SE12 9HT**

**Hearing date: 15 June 2006**

**Appearances: Mr T W de Lury - Counsel  
Mr D Venn - Witness  
Miss N Davidson - Tenant**

**For the Applicant**

**Mr E Peters - Counsel  
Mr J Kandler - Solicitor  
Mr T Bartholomew - Expert  
Mr J Whyton - Factual Witness  
Mr B Iles - Factual Witness**

**For the Respondent**

**Members of the Residential Property Tribunal Service:**

**Mrs F Silverman  
Mrs E Flint DMS FRICS IRRV  
Mr C S Piarroux JP ©QSW**

LON/00AZ/LSC/2006/0023

WOODSTOCK COURT, BURN'T ASH HILL, LONDON SE12 9HT

APPLICANT: COULSON & OTHERS (14 TENANTS OF WOODSTOCK COURT)

RESPONDENT: GRANGEPOINT LTD

### **Decision**

1. The Tribunal finds that the Section 20 notice served to the Respondents was invalid.
2. The amount of service charge recoverable in respect of the works purportedly covered by the section 20 notice is therefore limited to £50 per flat that being the appropriate statutory limit under section 20(3)(a) Landlord & Tenant Act 1985 at the relevant time.
3. The Applicant application under section 20(C) is granted.
4. The Applicant's application for reimbursement of fees is refused.
5. In so far as the Tribunal has jurisdiction to exercise its discretion to dispense with the requirements of section 20, that application is refused.

### **Reasons**

1. The Applicants made an application to the Tribunal dated 10 January 2006 in which they disputed the reasonableness of service charges imposed by the Respondent landlord in respect of a programme of major works which had been undertaken at the property in 2004.
2. The Applicant are all tenants of the property. A full list of the Applicants is appended at schedule 1 to this decision.
3. The Applicant challenged the validity of the section 20 notice served by the Respondents (p.189) and the Tribunal heard argument from both parties' representatives in relation to this issue and then retired to consider its decision.
4. The Tribunal finds that section 20 notice was invalid for the following reasons.

4.1 It failed to give the recipients the statutory consultation period as required by section 20 (4)(d) of the Landlord & Tenant Act 1985.

The maximum period of notice which could have been given to the Applicants was less than one month whereas the Act requires the date of expiry of the notice to be "not earlier than one month after the date on which the notice is

given".

4.2 The Tribunal is not satisfied that the correct documents (ie estimates and specifications) were supplied with the Section 20 notice. Although the Respondents evidence was to the effect that the correct documentation had been attached to the section 20 notice, we had fourteen witness statements from the Applicants each of whom denied having seen either the estimate or specifications. Further, the complete set of documentation which was alleged to have been attached to the notice was not provided to the Tribunal. The Respondents did provide a supplementary document from their own files (not included in the trial bundle) which they asserted was the specification for the works and had been supplied with the section 20 notices. We are not satisfied as to the authenticity of this document because it does not refer to the property, does not say who prepared the document or for what purpose, is unsigned, undated, has several pages apparently missing and the total sums on the specification do not add up to the revised estimates referred in the notices.

5. The Respondent through its counsel asked the Tribunal to exercise its discretion to dispense with the section 20 notice.

The Tribunal, on reading section 20(9) is not certain that it has jurisdiction to dispense with the requirements of the section. If it has, then in this case it chooses not to exercise that discretion because the notice was flawed in substance and not merely in detail, further the notice had been served by professional agents and the amount of money involved was substantial. The level of information which the tenants appeared to have received with the section 20 notice was totally superficial and wholly inadequate to allow them to make a reasoned decision on whether or not to object to the proposed works.

6. In the light of the Tribunal's decision to reject the section 20 notice the Applicants decided to withdraw their objections to the remainder of the service charges and also to withdraw their challenge to the reasonableness of the standard of the works.

7. That being so, the tenants' contribution to the service charge in question is limited to £50 per flat.

8. The Applicants asked the Tribunal for an order under section 20(c) which is granted. It is not reasonable for the Respondents to seek to add the costs of these failed proceedings to the service charge.

9. However we refuse the Applicant's request for re-imburement of fees on the basis that had the case proceeded there would have been an arguable point about the proportion of service charge as between the residential and commercial units.

Chairman :

Date :

*Wen*  
*10/08/02*

## **SCHEDULE 1**

### **1. DETAILS OF TENANT APPLICANTS**

### **ADDRESS**

Carol Collson	3 Woodstock Court
Louise Grayson	11 Woodstock Court
Andy & Judi Standing	14 Woodstock Court
Monika Abramek	16 Woodstock Court
Regent Investments Ltd	19 Woodstock Court
Ellie Shephead	23 Woodstock Court
Natasha Davidson	24 Woodstock Court
Dennis & Vivian Venn	25 Woodstock Court
Nigel Andrews	26 Woodstock Court
Regent Investments Ltd	28 Woodstock Court
Clive Brown	31 Woodstock Court
Julia M Kidd	35 Woodstock Court
Margaret Carty	36 Woodstock Court
John & Jean Mace	45 Woodstock Court
James Cafferkey	48 Woodstock Court
Angie Dixon	49 Woodstock Court
Nigel Wardell	50 Woodstock Court

### **REPRESENTATIVE**

Terence W de Lury 42a Kevington Drive, Chislehurst, Kent, BR7 6RN

Tel: 01689 890 831 Fax: 01689 890 831

### **2. ADDRESS OF PROPERTY**

Woodstock Court, Burnt Ash Hill, Lee, London SE12 9HT