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RESIDENTIAL PROPERTY TRIBUNAL SERVICE

**LEASEHOLD VALUATION TRIBUNAL FOR THE LONDON RENT
ASSESSMENT PANEL**

In the matter of 38B Nicoll Road, London, NW10 9AB

In the matter of the Landlord and Tenant Act 1985 section 27A and section 20
("the Act")

Case number LON/00AE/LSC/2007/0012

Parties:

Mr. J Laryea

Applicant

Land and Property Management Agents Limited
Respondent

Date of Application: 8th January 2007

Date of determination: 9th May 2007

Tribunal: Mr A A Dutton (Chair)
Mr C White FRICS

Date of decision: 14th May 2007

Reasons / Decision

A. BACKGROUND

1. On 8th January 2007 the Applicant, Mr Joel Laryea, the lessee of 38B, Nicoll Road, London NW10 9AB, applied to the tribunal for a determination as to the liability to pay service charges in respect of works carried out to his property during the service charge year 2006. The works were set out in the application and the cost amounted to £751.33
2. At a directions hearing on 9th February 2007 it was recorded that the issue centred around whether the Respondent had complied with the provision of section 20 of the Act and served the requisite consultation notices in respect of major works carried out in 2006 for which the Applicant was required to pay £751.33. The Respondent did not attend, although the Applicant did.
3. On 21st March 2007 the tribunal met for the purposes of dealing with the matter by way of paper determination. They issued further directions in the light of the Respondent's failure to adhere to the directions given on 9th February 2007. In particular the Respondent was required to provide the information it was ordered to supply in February 2007 by 13th April 2007. The Respondent was also left in no doubt that if it failed to comply with the directions it was likely that the tribunal finally determining the case would find in favour of the Applicant.

B. DECISION

4. The Respondent has chosen to ignore the directions given by the tribunal on two occasions. The Applicant states in his application that the Landlord commenced work 3 days after invoicing without any prior correspondence or consultation. The sum claimed is £751.33. The application bears a statement of truth.
5. The works were undertaken after 31st October 2003 and accordingly the provisions of the Service Charge (Consultation Requirements) (England) Regulations 2003 apply. In the absence of evidence of compliance with the

consultation procedure the Landlord cannot recover more than £250 from a tenant (see section 20(3) of the Act and regulation 6)

6. The Respondent has singularly failed to participate in these proceedings. We accept the facts of the application backed up with a statement of truth and find that the Respondent has failed to comply with the provisions of section 20 of the Act and the aforementioned regulations and that accordingly the maximum sum that can be recovered from the Applicant is £250, which should be paid by the Applicant as soon as is practicable and in any event within 56 days, subject to paragraph 7 below.

7. Under the provisions of the Leasehold Valuation Tribunal (Fees) (England) Regulations 2003, regulation 9 we order that the Respondent must reimburse the Applicant with the application fee, which can be recovered by the Applicant by way of deduction from his liability to pay £250.


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Chairman


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Date