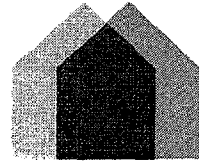


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LON/00BH/LSC/2007/0270



**Residential  
Property**  
TRIBUNAL SERVICE

**DECISION BY THE LEASEHOLD VALUATION TRIBUNAL  
ON APPLICATION UNDER THE:**

- **LANDLORD AND TENANT ACT 1985 – SECTION 27A.**

**Applicant:** De Mandeville Court Management Company Limited.

**Respondent:** Mr Ross Kenneth Howes.

**Re:** 45 Mandeville Court, Chingford, London, E4 8JB

**Application date:** 23<sup>rd</sup> July 2007

**Hearing date:** 15<sup>th</sup> October 2007

**Appearances:** None

**Members of the Leasehold Valuation Tribunal:**

Ms H Carr

Mr R Humphrys FRICS

Ms S Wilby

## Background

1. The Tribunal was dealing with an application under section 27A of the Landlord and Tenant Act 1985, as amended, ('the 1985 Act') for a determination whether a service charge is payable and, if it is, as to
  - i. the person by whom it is payable
  - ii. the person to whom it is payable
  - iii. the amount which is payable
  - iv. the date at or by which it is payable and
  - v. the manner in which it is payable
  
2. The application was transferred from Edmonton County Court on 13 July 2007. District Judge Silverman ordered
  - (a) transfer to Leasehold Valuation Tribunal for determination of reasonableness of claimant's service charges.
  - (b) costs of the Leasehold Valuation Tribunal, this court being the view that the claimant has adapted an unnecessary procedure since section 81 housing association 1996 does not require and declaration of reasonableness.
  
3. This order contains some errors, in particular it refers to the Housing Association Act 1996 which does not exist.
  
4. Following a pre-trial review and directions dated 16 August 2007 a hearing was arranged for Monday 15 October 2007 at 10.00am.
  
5. There was correspondence between Applicant's solicitor, Charlotte Woods of Bramsdon & Childs and the clerk to the Tribunal which indicated that the parties had agreed terms for the settlement of the application. The correspondence enclosed what purported to be a consent order for approval by the Tribunal. The clerk informed Ms Woods that due to the imminence of the hearing it was not possible for a Tribunal to consider the points raised. He requested that the parties attend because the LVT may not have the jurisdiction to approve the order as drawn by the parties.
  
6. Neither party attended the hearing.

## Determination

7. Having considered the papers, the directions and the correspondence from the solicitors for the Applicant it is clear that Mr Howes has signed the draft consent order which is attached. The Tribunal notes that the consent order refers to section 81 and 82 of the Housing Act 1996. We assume this is in error as section 82 of the Housing Act 1996 has been repealed and the consent order should be under section 27A of the Landlord and Tenant Act 1985. However what is clear is that agreement on all financial matters has been reached Accordingly this matter should now be referred back to the County Court.

Chairman



15<sup>th</sup> October 2007

Service charge 01.04.05 – 31.03.06	£ 815.27
Service charge 01.04.06 – 31.03.07	£ 815.27
<b>TOTAL</b>	<b>£1,630.54</b>

2. It is declared that the sum of £425.92 is payable by the Respondent to the Applicant pursuant to Clause 15 of the Third Schedule to the Lease in respect of costs and expenses incurred apart from the costs of these proceedings

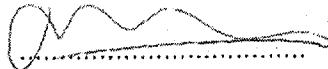
.....  
Member of the Panel

The parties hereto consent to an order being made in the above terms.

.....  
Bramsdon & Childs

191a London Road  
North End  
Portsmouth  
Hampshire  
PO2 9AH

Solicitors for the Applicant



Ross Kenneth Howes

45 De Mandeville Court  
Lower Hall Lane  
London  
E4 8JB

The Respondent

Dated this                      day of October 2007

**IN THE LEASEHOLD VALUATION TRIBUNAL**

**BETWEEN**

**DE MANDEVILLE COURT MANAGEMENT  
COMPANY LIMITED**

**Applicant**

**- and -**

**ROSS KENNETH HOWES**

**Respondent**

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**CONSENT ORDER**

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**BEFORE** sitting at the Leasehold Valuation  
Tribunal, 10 Alfred Place, London

UPON READING the minutes of a draft order signed on behalf of the parties hereto  
And UPON the Respondent having paid the Applicant's costs in the matter in the total  
sum of £1552.31

BY CONSENT IT IS ORDERED THAT: -

1. It is hereby determined for the purposes of Section 81 and 82 of the  
Housing Act 1996 that the amount of service charges payable by the  
Defendant is £1,630.54 and is calculated as follows: -