

SOUTHERN RENT ASSESSMENT PANEL
LEASEHOLD VALUATION TRIBUNAL

SOUTHERN
18 JUL 2008
RAP

Case No: CHI/00HN/LSC/208/0011

Applications under Section 20C and 27A of the Landlord and Tenant Act 1985

Re: Flats 1, 9, 12 and 26 Westbourne Heights, Prince of Wales Road, Westbourne, Bournemouth

Applicants	Syed Muhammed Nasser Jeanette Cardew June Patricia Whitney Reyhan Ucan
Respondents	Signpost Housing Association

Date of Application	January 2008	
Date of Hearing	23 rd April 2008	
Members of the Leasehold Valuation Tribunal:		
	M J Greenleaves P D Turner-Powell FRICS K Lyons FRICS	Lawyer Chairman Valuer Member Valuer Member

1. In accordance with the power granted by Regulation 18(7) of the Leasehold Valuation Tribunal Tribunals (Procedure)(England) Regulations 2003 (whereby the Tribunal has power to correct by certificate any clerical mistakes in the record of agreement in this matter dated 4th may 2008), it is hereby certified that the record of agreement dated 4th May 2008 is corrected as follows:

Paragraph 1d) of the decision.

For the sum of "£899.74" there shall be substituted the sum of "£999.74".

Dated 17th July 2008



M J Greenleaves (Chairman)

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Applicants	Syed Muhammed Nasser Jeanette Cardew June Patricia Whitney Reyhan Ucan
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Date of Application	January 2008
Date of Inspection	23 rd April 2008
Date of Hearing	23 rd April 2008
Venue	Royal Bath Hotel, Bournemouth
Appearances for the Applicants	Malcolm G Whitney
Appearances for the Respondent	Ranjit Bhose of Counsel
Also in attendance	The Applicants & Mr Whitney (son), Mr Maguire (adviser to Mrs Cardew) For the Respondent: Mr C Adams Solicitor, Mr J Wright (Managing Director of the Respondent), Mr W Nippard (Housing Manager of the Respondent)

Members of the Leasehold Valuation Tribunal:		
	M J Greenleaves P D Turner-Powell FRICS K Lyons FRICS	Lawyer Chairman Valuer Member Valuer Member
Date	4 th May 2008	

Record of Agreement

1. The Tribunal records agreement of the parties as follows:
 - a. The additional service charge of £2,611 per flat for the year 2005/06 is not payable.
 - b. The service charges for 2005/06 as follows are reasonable and payable:
 - i. Water/sewerage charges: £221.03 per flat
 - ii. Management fees: £93.36 per flat
 - iii. General repairs: £65.50 per flat
 - c. The service charges for 2006/07 payable on account of actual service charges under Section 19(2) of the Landlord and Tenant Act 1985 are reasonable and payable:
 - i. Electricity: £118.05 per flat
 - ii. Water: £256.94 per flat
 - iii. Lifts: £250.00 per flat
 - iv. General Repairs: £111.11 per flat
 - v. Management fees: £93.75 per flat
 - d. The service charges for 2007/08 payable on account of actual service charges under Section 19(2) of the Landlord and Tenant Act 1985 are reasonable and payable: £899.74 per flat
2. The Respondent accepting that its costs of and incidental to these proceedings are not recoverable as service charge under the leases of the Flats in any event, the Tribunal makes no Order under Section 20C of the Landlord and Tenant Act 1985.
3. The Respondent agreeing to do so, the Tribunal requires under Regulation 9 of the Leasehold Valuation Tribunals (Fees)(England) Regulations 2003 that the Respondent shall reimburse to the Applicants the sum of £350 paid by the Applicant to the Tribunal by way of fees.
4. The Tribunal notes that the Respondent has also agreed to contribute the further sum of £250 to the Applicants towards their costs incurred in respect of this application.
5. The Tribunal also noted that the Respondent would re-visit the matters of other expenses, such as interest and collection charge, incurred by Mrs Ucan and Mrs Cardew.

Reasons

Introduction

6. This is an application made by the Applicants under Section 27A of the Landlord and Tenant Act 1985 (the Act) to determine, in respect of Flats 1,9,12, and 26 (the Flats), whether certain service charges for the accounting years 2005/06, 2006/07 and 2007/08 are reasonable.

Inspection

7. On 23rd April 2008 the Tribunal inspected the Property in the presence of the Applicants and the representatives of the Respondent.
8. Westbourne Heights (the Property) is a block of 72 flats with car parking spaces and surfaced access. The layout of each floor is similar. Each floor is served by 2 lifts. The

Property having been re-clad in recent years, appears to be in good condition for its age and character.

Hearing

9. The hearing of the matter took place on 23rd April 2008 and was attended by those set out above.
10. The parties had finally agreed all items in dispute, so no issues remained to be determined by the Tribunal save whether the proceedings should be adjourned to enable any issues arising on the 2006/07 accounts, which were due to be finalised within a few weeks, to be added into the application. After consideration, the Tribunal declined to do so.
11. At the request of the parties, the Tribunal recorded the matters set out in the Record of Agreement..



A member of the Southern
Leasehold Valuation Tribunal
appointed by the Lord Chancellor