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Residential
Property
TRIBUNAL SERVICE

LONDON RENT ASSESSMENT PANEL LEASEHOLD VALUATION TRIBUNAL

Case Reference: LON/OOBE/LSC/2010/0225

**Premises at 57 Witcombe Point, Clayton Road, LONDON
SE15 5EJ**

**AN APPLICATION UNDER SECTION 27A and SECTION 20C of
the LANDLORD AND TENANT ACT 1985 ('the Act')
(transferred from the Lambeth County Court)**

Applicants	London Borough of Southwark(Landlord)
Representation	Not applicable
Respondent	Mr J Egbe and Mrs O Egbe (Leaseholders)
Representation	Not applicable
Hearing Date	A decision was taken on consideration of the additional documents and submissions filed and served by the Applicants. There was no oral hearing.
Inspection Date	No inspection
The Tribunal	James Driscoll, Solicitor (Lawyer chair) and Dallas Banfield FRICS
Decision Date	A final decision was made on 29 July 2010

THE FINAL DECISIONS SUMMARISED

- 1. These are the final determinations.**
- 2. The service charges for the periods 2004/5, 2005/6, 2006/7 and 2007/8 are recoverable.**
- 3. An order is made under Section 20C of the Act limiting recovery of any professional costs incurred by the respondent as future service charges.**

Introduction

- 4. This follows our interim decisions made on 14 June 2010 when we directed the Applicant to produce an explanation for certain service charge items.**
- 5. In this matter the Applicants are the landlords under a lease of the subject premises which is a flat in the block owned by the Applicants. The Respondents are the joint leaseholders of the flat having purchased it under the right to buy provisions in the Housing Act 1985.**
- 6. According to the Applicants the Respondents are in arrears with their service charges. Proceedings were issued in the Lambeth County Court on 24 November 2009 to recover the sums said to be owing. In these proceedings a sum of £698.94 was claimed with a claim for interest and costs. The sums claimed were said to be for an estimated service charge demand for 3/4 of the service charge year 2009/10. A defence and counter-claim were filed in these proceedings. The counter-claim relates to charges already paid by the Respondents who now question their recoverability. They argue that they have been overcharged for several years and they wish to recover the over payments.**
- 7. By order of District Judge Zimmels made on 1 April 2010 the service charge elements of the claim and the counter-claims were transferred to this Tribunal. The Tribunal gave directions on 28 April 2010. In their defence and counter-claim the Respondents state that they have paid the service charges but they contend that the charges were in certain respects incorrect as a result of which they have over-paid. For these reasons they were counter-claiming in the**

Court proceedings. Their counter-claim relates to payments for the service charge years 2004/5, 2005/6, 2006/7 and 2008/9.

8. The directions proposed that the applications be considered without an oral hearing and on the basis of the papers filed. Neither party having sought a hearing the Tribunal considered the matter on 8 June 2010.
9. We issued our decision on 14 June 2010 which we expressed as 'interim decisions'. Our reasons for this are expressed in paragraph 20 of the interim decision. The concerns relate to works to certain doors to the building. We directed the Applicants to produce additional statement and supporting documentation by 18 June 2010 and gave the Respondents until 30 June 2010 should they wish to reply. We stated that these interim decisions could become final determinations provided the Applicants provided the additional information to our satisfaction and taking account also of any further statements by the Respondents.
10. In their additional statement of case dated 17 June 2010, the Applicants set out in detail these works with supporting documentation (appended in five exhibits to this statement) which supports their explanation. They also cross refer to documents in the bundle they prepared in the claim.
11. Having examined this additional statement of case and the supporting documents (and in the absence of any further challenge made by the Respondents) we are now satisfied that the Applicants have made out their case for findings that all of the disputed service charges are recoverable.
12. We would remind the parties of the order we previously made under section 20C of the Act.

Signed:

James Driscoll LLM, LLB Solicitor (Lawyer Chair)

29 July 2010