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RESIDENTIAL PROPERTY TRIBUNAL SERVICE

**LEASEHOLD VALUATION TRIBUNAL for the
LONDON RENT ASSESSMENT PANEL**

LANDLORD AND TENANT ACT 1985 SECTION 27A

LON/00BG/LSC/2010/0355

Premises: 31.04 1 West India Quay, Hertsmere Road,
London, E14 4EF

Applicant: No 1 West India Quay (Residential) Limited

Represented by Mr J Fieldsend - Counsel

Respondent: Mr Rajesh Ahir

Represented by Ms L Worton - Counsel

Date of Hearing: 2 November 2010

**Also in Attendance on
Behalf of the Applicant:**

Mr I Jones
Ms S Judd
Mr K Brown
Ms B Elks
Mr N Crawford
Mr K Lees – Nat West

And

Tribunal: Ms M Daley LLB (Hons)
Mr Geddes RIBA JP
Mrs L Walters MA

Date of decision: 16 November 2010

Background

- (a) This case was transferred from the Bow County Court by order of District Judge Stone dated 19 April 2010. The Order stated that the case be stayed and transferred to the Tribunal for a determination of the reasonableness of the service charges under Section 27A of the Landlord and Tenant Act 1985 as amended and of the administration charges under Schedule 11 of the Commonhold and Leasehold Reform Act 2002.
- (b) At the Pre-Trial Review on 6 July 2010 The Tribunal identified the issues to be determined as the Reasonableness and Payability of service charges for 2008/09 in the sum of £19179.38 and for 2009/10 service charges of £11,813.91 and under schedule 11 of the 2002 Act Legal Cost of £24084.78.
- (c) At the hearing both counsel indicated that that there were a number of contentious issues which they wished to attempt to narrow, as there was a dispute as to whether information relating to "Without Prejudice" correspondence had been properly put before the Tribunal in the Applicant's Skeleton Argument. Mr Fieldsend also considered that the Respondent might have made certain admissions, which would affect the Tribunal's Jurisdiction to deal with the matter.
- (d) At the conclusion of the Adjournment both parties indicated that they had settled the matter by consent on the basis of admissions made by the Respondent Mr Ahir.
- (e) The Tribunal noted that the effect of the admissions was that the Tribunal no longer had Jurisdiction to consider the reasonableness of the outstanding service charges as the effect of this admission, was that section 27A (4) of the Landlord and Tenant Act 1985 applied.
- (f) This section states-:(4) *No application under subsection (1) or (3) may be made in respect of a matter which—*
 - (a) *has been agreed or admitted by the tenant,*
 - (b) *has been, or is to be, referred to arbitration pursuant to a post-dispute arbitration agreement to which the tenant is a party,*
 - (c) *has been the subject of determination by a court, or (d) has been the subject of determination by an arbitral tribunal pursuant to a post-dispute arbitration agreement.*

- (g) The Parties indicated that they were content for the matter to be dealt with in accordance with the terms of the consent order and accordingly the Tribunal having noted the terms of the agreement have appended the terms of the order to this decision.

The Decision of the Tribunal

- (h) The Tribunal having heard representations from counsel for the Applicant and the Respondent find that the Respondent has admitted the service charges as set out in appendix one. The Tribunal therefore do not have Jurisdiction and make no finding as to the reasonableness and payability of the sums outstanding for the years ending 23 June 2009 and 23 June 2010.

Signed

M. O'Leary

Dated.

18th November 2010

Case Ref: LON/00BG/LSC/2010/355

LONDON RENT ASSESSMENT PANEL
LEASEHOLD VALUATION TRIBUNAL

In the matter of: *s.27A Landlord and Tenant Act 1985 and
Schedule 11 Commonhold and Leasehold Reform Act 2002*

Property: 31.04 1 West India Quay Hertsmere Road London E14 4EF

Applicant: No.1 West India Quay (Residential) Limited

Respondent: Mr Rajesh Ahir

ORDER

BY CONSENT

IT IS ORDERED AND DETERMINED THAT:

1. Upon the Respondent having made admissions as to the on-account service charge payable for the years ending 23 June 2009 and 23 June 2010, the Tribunal ceases to have jurisdiction to determine the on-account service charges for the said years.
2. The Applicant shall by no later than the 14 December 2010 serve on the Respondent a Bill of Costs in respect of the legal costs particularised at paragraph 18(v) of the Particulars of Claim dated the 24 February 2010.
3. The Respondent shall by no later than the 8 February 2011 serve on the Applicant his Points of Dispute in response.
4. Thereafter the matter is stayed generally with permission for either party to apply on notice to the other to restore.

DATED 2 NOVEMBER 2010