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Residential
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TRIBUNAL SERVICE

EASTERN RENT ASSESSMENT PANEL

DECISION OF THE LEASEHOLD VALUATION TRIBUNAL

**ON AN APPLICATION UNDER SECTION 27A OF THE LANDLORD AND TENANT
ACT 1985**

Case Reference: CAM/26UC/LSC/2012/0027

Premises: 6 Keiths Road, Hemel Hempstead, Herts HP3
8DR

Applicant(s): Dacorum Borough Council

Representative: Madeleine M Green, legal officer

Respondent(s): Raymond Gurney and Sally-Jane Robinson
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Representative: None

Date of hearing: 17th July 2012

**Leasehold Valuation
Tribunal:** Mr Adrian Jack, Miss Marina Krisko FRICS BSc
(Est Man), Mr Mohammed Bhatti MBE

Procedural

1. By an application received by the Tribunal on 8th March 2012 the landlord sought a determination of the liability of the tenants to pay service charges totalling £657.56 in 2006-07. (The service charge year runs from 1st April.)
2. The Tribunal gave directions on 19th March 2012 and these were substantially complied with. The Tribunal considered that the matter might be dealt with on paper, but the tenants (as is their right) requested a hearing. The Tribunal accordingly held a hearing on 17th July 2012. The landlord was represented by Ms Greene, its legal officer, and Mr Tookey, the local authority's building surveyor with responsibility for the major works which are the subject of the dispute. The tenants did not attend the hearing. The Tribunal did not inspect the premises.
3. The tenants indicated that their dispute was because:
 - (a) part of the costs incurred were stated to be for scaffolding for painting the building, but no scaffolding was used;
 - (b) the charges indicated that the soffits of the building were painted, but they were not;
 - (c) the charges indicated that the rainwater goods were replaced, but they were not; and
 - (d) the overall quality of the work was of poor quality.

Decision

4. The landlord explained that the works in question had been carried out under a long term agreement started in 2003 and that full consultation had been carried out at that time. The tenants raised no issue on consultation. The original notice of intention served by the landlord and dated 12th July 2006 estimated a cost of £823.96 for the tenants' flat. Ms Green in her statement said that the tenants had offered £463.19 for these works, but the landlord had refused this offer.
5. The landlord called Mr Tookey to rebut the tenants' allegations. He accepted that there had been an error in respect of the cost of the paint to the soffits. The paint used was masonry paint, which was slightly cheaper than the gloss paint which appeared in the statement of works. The sum of £19.02 plus £2.38 in respect of administration costs at 12.5 per cent needed to be taken off the sums claim, a reduction of £21.40. Thus reducing the bill from £657.56 to £636.16.

6. In respect of scaffolding, Mr Tookey said the MACC-SYSTEM working platform was used, which was appropriate for a two storey block such as the present. Apart from the use of masonry paint instead of gloss paint, the soffits, he said, had been painted. As regards the rainwater goods, these were painted. The tenants were not billed for replacing the rainwater goods. His professional opinion was that the work was of adequate quality. He said that he had regularly returned to the premises and they were still in reasonable condition after six years.
7. In the absence of any challenge by the tenants to Mr Tookey's evidence, the Tribunal accepted his evidence. Accordingly it finds that the sum of £636.16 is owing in respect of 2006-07.

Costs

8. The Tribunal has a discretion as to the fees payable to the Tribunal. In the current case these comprise the application fee of £70 and the hearing fee of £150. In our judgment the landlord has substantially won. Accordingly in our discretion we order that the tenants pay the landlord that sum.

DECISION

- (a) The tenants owe the landlord £636.16 in respect of the works carried out in 2006-08.
- (b) The tenants shall pay the landlord £220 in respect of the fees payable to the Tribunal.

Adrian Jack, Chairman ✓

10th August 2012