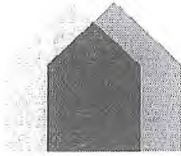


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LEASEHOLD VALUATION TRIBUNAL**

**Case Reference: LON/00AL/LSC/2012/0377**

**DECISION OF THE LEASEHOLD VALUATION TRIBUNAL ON AN  
APPLICATION UNDER SECTIONS 27A & 20C OF THE LANDLORD &  
TENANT ACT 1985**

Applicant: Mr Bennett Lau

Respondent: Mr Scott Samuel

Property: Flat 4, 99 Shooters Hill Road, London, SE3 7HU

Date of Determination: 24 September 2012

Leasehold Valuation Tribunal

Mr I Mohabir LLB (Hons)

Mr I Thompson FRICS

Mr A Ring

## ***Introduction***

1. This is an application made by the Applicant under section 27A of the Landlord and Tenant Act 1985 (as amended) ("the Act") for a determination of his liability to pay and/or the reasonableness of the service charge contribution claimed by the Respondent for the years 2007-2012 in respect of the property known as Flat 4, 99 Shooters Hill Road, London, SE3 7HU ("the property").
2. The Applicant is the present lessee of the property by virtue of a lease granted to him by Garber Ltd dated 27 April 2006("the lease").
3. The background of this matter can be stated shortly. The Respondent had made an earlier application under section 37(1) of the Landlord and Tenant Act 1987 to vary the service charge contributions of the lessees of Flats 1, 2 and 6 in the building. At the time the lessees of these flats paid a contribution of 1/9<sup>th</sup>. The lessees of Flats 5, 7 and 8 paid a contribution of 1/8<sup>th</sup> and the lessees of Flats 3 and 4 paid "a fair and reasonable contribution". The application was to vary the contributions payable by each lessee to an equal share of 1/8<sup>th</sup>. The Applicant had historically paid a contribution of 12.5%.
4. The application to vary the lease terms was refused in the Tribunal decision dated 10 March 2010 on the basis that the leases did in fact make satisfactory provision for the computation of the service charge payable by each of the lessees.
5. As a consequence, the Respondent issued an amended service charge demand to the Applicant on 26<sup>th</sup> October 2011 seeking to retrospectively recover a service charge contribution of 18.055% from the Applicant for the years 2007 to 2012.
6. By an application dated 11<sup>th</sup> June 2012 the Applicant made this application seeking a determination of his liability to pay the service charge costs in issue.


consequence, the Respondent was entitled to charge the Applicant 18.055% of his expenditure for the years 2010 onwards.

12. From the accounts provided, the Respondent incurred expenditure of £4,701 in 2010 and is therefore entitled to charge and receive from the Applicant, £848.79 for that year. For 2011, he incurred expenditure of £7,591.29 and is entitled to recover £1,370.64 from the Applicant.

**Costs & Fees**

13. The Applicant had also made an Application under s20C of the Act for an order that the Respondent be prevented from recovering all or part of any costs he may have incurred in responding to this application through the service charge account.
14. Section 20C gives the Tribunal a discretion to make an order in relation to such costs where it is just and equitable to do so.
15. In the present case the Applicant has partially succeeded in the Application and therefore we consider it just and equitable that costs should follow the event. Accordingly, if the Respondent has incurred any such costs, we find that he is entitled to recovery 50% of those costs through the service charge, if the lease so allows.
16. Applying the same reasoning, the Tribunal makes an order that the Respondent reimburse the Applicant 50% of the fees he has paid to have the Application issued and heard.

Dated the 24th day of September 2012

  
CHAIRMAN.....  
Mr I Mohabir LLB (Hons)