



**FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)**

Case Reference : LON/00AM/LSC/2016/0167

Property : 7 Clapton Terrace, E5 9BW

Applicant : Adrian Patrick Holliday as Trustee
of the 49 Clapham Common Trust

Representatives : Self representing

Respondent : Ms Claire Gorman

Representative : Self representing

Type of Application : Service Charges (Section 27A
Landlord and Tenant Act 1985)

Tribunal Judge : Mr M Martyński

DECISION

Decision summary

1. Service Charges amounting to £22.00 for the replacement of a front door, and; £242.00 for replacement of carpet in the communal hallway are reasonable and payable.
2. By no later than **1 August 2016**, the Respondent must pay to the Applicant the sum of £65.00, that being the fee that the Applicant has paid to the tribunal in order to make and pursue this application.

The application

3. The Applicant's application was received by the tribunal on 18 April 2016.
4. The Applicant is one of the trustees of the Trust which holds the freehold of the building in question.
5. The application sought a declaration that Service Charges in respect of the fitting of a carpet and a repair to a door were reasonable.

The course of the proceedings

6. Directions on the application were given on 20 April 2016. The directions placed the application on the Paper Track to be decided on the papers alone without a hearing.
7. Neither party requested an oral hearing and accordingly this application has been decided on the basis of the application form and the documents submitted by the parties.

Decision

8. It is not necessary to go into the detail of the application other than is set out above because firstly, the Respondent has paid the Service Charges in question and offered to pay the application fee incurred by the Applicant and secondly, the Respondent does not dispute that the Service Charges are payable. The Respondent's concern has been that she was not consulted about the works in question and that the carpet was laid whilst she was carrying out decoration to the communal area by her flat.
9. Given the amount of the Service Charges in question, there is no legal requirement for the Applicant to consult the Respondent regarding the work.
10. As there was no dispute regarding the quality of the work and the reasonableness of the cost was not questioned, I have to conclude that the Service Charges in question are reasonably incurred and are payable.

Costs

11. In order to make this application, the Applicant has had to pay a fee to the tribunal of £65.00. As the Applicant has been successful, it must follow that it is entitled to an order that it be reimbursed that sum by the Respondent. Payment should be made by 1 August 2016.

Name: Mark Martyński,
Tribunal Judge **Date:** **22 June 2016**

ANNEX - RIGHTS OF APPEAL

1. If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber) then a written application for permission must be made to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application for permission to appeal must arrive at the Regional office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.
3. If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal, and state the result the party making the application is seeking.