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

Case Reference : **LON/00AL/LSC/2016/0088**

Property : **63B Well Hall Road, SE9 6SZ**

Applicant : **Mr David Greenhalgh**

Representatives : **Self representing**

Respondent : **Royal Borough of Greenwich**

Representative : **Home Ownership Service**

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

Tribunal Judge : **Mr M Martynski**

DECISION

Decision summary

1. Service Charges amounting to £484.08 in respect of costs of a flat roof were not reasonably incurred and are not payable by the Applicant.
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.
3. An order is made pursuant to Section 20C Landlord and Tenant Act 1985 in respect of the Respondent's costs of these proceedings.

The application

4. The Applicant's application was received by the tribunal on 24 February 2016.
5. The Applicant is the long leaseholder of a two-bedroomed flat in a purpose-built block with a flat roof. The Respondent holds the freehold interest in the block.
6. The application set out the following case:-

Additional costs for fitting a new flat roof = £484.08

Original estimate for my share of cost £602.13

Final bill after "add-ons" £1086.21

Additional cost to me £484.04

I believe that the Council were very lax when drawing up a specification, eg I have been charged for "removing defective guttering and fixing new" and "building control fees".

These should have been checked and/or known beforehand.

There were 4 major leaks during this work & the Council picked up the bill for this, even though it was the contractors fault.

They paid the contractors, without question, and are now bullying the leaseholders.

The course of the proceedings

7. Directions on the application were given on 26 February 2016. Those directions specified that the Respondent had until 29 March 2016 to file a Statement of Case in response to the application.
8. The directions placed the application on the Paper Track to be decided on the papers alone without a hearing after 27 May 2016.
9. By an email dated 22 March 2016, the Respondent requested an extension of time to respond to the application. Following this request, the tribunal extended the time limit for the response to 19 April 2016.

10. On 9 June 2016 the tribunal contacted the Respondent; the Respondent confirmed that it had made no response to the application.
11. Neither party requested an oral hearing and accordingly this application has been decided on the basis of the application form and the tribunal's own file.

Decision

12. The Applicant raised an arguable issue about the reasonableness and payability of the Service Charges in question in his application. The onus was therefore on the Respondent to meet that issue and to provide evidence to support the reasonableness and payability of the charges. The Respondent, after being given ample time by the tribunal, has failed to provide any such evidence or any response.
13. Accordingly I conclude that the Service Charges in question amounting to £484.08 were not reasonably incurred and are not payable.

Costs and fees

Fees

14. 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 he is entitled to an order that he be reimbursed that sum by the Respondent. Payment should be made by 1 August 2016.

Section 20C Landlord and Tenant Act 1985

15. It also follows that an order should be made protecting the Applicant from any costs in connection with this application being charged to him via Service Charges. Accordingly it is ordered that none of the costs incurred, or to be incurred, by the landlord in connection with these proceedings are to be regarded as relevant costs to be taken into account in determining the amount of any service charge payable by the residential leaseholders.

Name: Mark Martynski,
Tribunal Judge **Date:** **16 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.