



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

Case Reference : **BIR/41UK/LAC/2020/0003 - 0005**

Property : **7 Brendon, Tamworth B77 4JW (1)**
19 Windrush Close, Pelsall WS3 4LJ (2)
37 Windrush Close, Pelsall WS3 4LJ (3)

Applicant : **Jane Bell**

Representative : **Newhall solicitors LLP**

Respondent : **Wallace Partnership Reversionary Group Ltd**

Representative : **Stevensons solicitors**

Application : **Administration Charges**
(Commonhold and Leasehold Reform Act 2002)

Date of Decision : **19th January 2021**
(Addendum 10th March 2021)

Addendum DECISION

1. By applications dated 6th November 2020 the Applicant has made application under Schedule 11 of the Commonhold and Leasehold Reform Act 2002 for a determination as to liability to pay the following administration charges:
 - (1) £288 – demand dated 14th February 2020 (57 Brendon)
 - (2) £234 – demand dated 22nd May 2020 (19 Windrush)
 - (3) £234 – demand dated 22nd May 2020 (37 Windrush)
2. The Applicant has also applied for an Order under s20C of the 1985 Act (Limitation of service charges: costs of proceedings) and for an Order under Paragraph 5A of Schedule 11 to the 2002 Act (Limitation of administration charges: costs of proceedings).
3. On 11th November 2020 I issued Directions. On 3rd December 2020 the Tribunal extended time for the Respondent to comply with Directions until 11th December and consequently extended time for the Applicant to comply until 13th January 2021.
4. I have considered Statement of Case of the Respondent dated 9th December 2020. At paragraph 3 the Respondent invites the Tribunal to make “an order that the Applicant is under no liability to pay any Administration Charges to the Respondent”.
5. At paragraph 10 of Statement of Case of the Applicant dated 12th January 2021 the Applicant relies on the invitation made by the Respondent.
6. Accordingly, at the invitation of both parties I make the determination sought by the Applicant pursuant to paragraph 5 of Schedule 11 to the Commonhold and Leasehold Reform Act 2002
7. There remain outstanding applications under Section 20C and Paragraph 5A. At paragraph 4 of Statement of Case of the Respondent it is conceded that “no service charge is payable by the Applicant under any of the 3 relevant leases to the Respondent”. At paragraph 5 the Respondent further concedes “there is no contractual provision in the 3 leases for the Respondent to be entitled to receive from the Applicant any administration charge in respect of litigation costs.”
8. It may be that those concessions, particularly as they are now incorporated into a written Decision of the Tribunal, are sufficient comfort for the Applicant. However, if the Applicant wishes the Tribunal to proceed to consider her outstanding application she must notify the Tribunal within 14 days of the date of issue of this Decision failing which her section 20C and Paragraph 5A applications will be marked as withdrawn.

Decision

9. The Applicant is under no liability to pay any Administration Charges to the Respondent.

D Jackson
Judge of the First-tier Tribunal

Addendum

1. Pursuant to paragraph 8 above on 29th January 2021 solicitors for the Applicant have requested a determination under section 20C and Paragraph 5A.
2. On 10th February 2021 the Tribunal wrote to the parties inviting written representations. No representations have been received from either party.
3. Pursuant to section 20C of the Landlord and Tenant Act 1985 I order that all costs incurred, or to be incurred, by the Respondent landlord in connection with these proceedings are not to be regarded as relevant costs to be taken into account in determining the amount of any service charge payable by the Applicant tenant.
4. Pursuant to Paragraph 5A of Schedule 11 to the Commonhold and Leasehold Reform Act 2002 I order that the Applicant tenant's liability to pay any administration charge in respect of litigation costs incurred or to be incurred by the Respondent landlord in connection with these proceedings be extinguished.

D Jackson
Judge of the First-tier Tribunal

Either party may appeal this decision to the Upper Tribunal (Lands Chamber) but must first apply to the First-tier Tribunal for permission. Any application for permission must be in writing, stating grounds relied upon, and be received by the First-tier Tribunal no later than 28 days after the Tribunal sends this written Decision to the party seeking permission.