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**HM COURTS & TRIBUNALS SERVICE
LEASEHOLD VALUATION TRIBUNAL**

Property : Flat 6, Farleigh Road Flats, Farleigh Rd., Pershore, WR10 1LA

Applicants : Mr & Mrs J.W.K. Fraser

Respondent : Mercia Investment Properties Limited

Case number : BIR/47UF/LAC/2012/0003

Date of Application : 27th March 2012

Type of Application : (1) Application for the Leasehold Valuation Tribunal ('LVT') to determine the liability to pay and reasonableness of Administration Charges under Schedule 11 of the Commonhold & Leasehold Reform Act 2002 and

(2) to determine whether the Lessor's costs in connection with the proceedings should be included in future service charges under Section 20C of the Landlord & Tenant Act 1985.

The Tribunal : I.D. Humphries B.Sc.(Est.Man.) FRICS (chair)
P.J. Hawksworth (Lawyer)

Date of Decision : 18th September 2012

DECISION

- 1 The Applicants are not liable to pay Administration Charges in respect of Court letters dated 1.2.11 and 8.2.11, interest on Administration Charges of £122.38 for the period 24.9.09 to 17.8.11 and £82.36 for the period 18.8.11 to 24.2.12 and not liable to pay Administration Charges of £90 in respect of Court letters.
- 2 The landlord has not indicated whether any costs incurred in these proceedings would be included in future service charge demands but for completeness the LVT find that no such costs would be chargeable in the service charge under s.20C of the Landlord & Tenant Act 1985.

REASONS

- 3 Mr and Mrs Fraser own a Leasehold interest in Flat 6, Farleigh Road flats, Farleigh Road, Pershore, Worcestershire, held for a term of 99 years from 29th January 1965 at a ground rent of £10 per annum. The lease requires them to re-imburse the landlords for various costs incurred for providing services under Schedule 6.
- 4 The landlord's agent, Circle Residential Management Ltd., had billed them for various Administration Charges for the period 1.2.11 to 24.2.12.
- 5 The tenants had applied to the LVT for the amounts to be determined under the Commonhold & Leasehold Reform Act 2002.
- 6 The landlord's agents wrote to the LVT on 16.4.12 advising that the amounts had been credited to the tenants' account and were no longer demanded. They subsequently asked for the application to the LVT to be dismissed as 'frivolous, vexatious and an abuse of process'.
- 7 However, the LVT had no evidence that the amounts had been credited and proceeded to arrange a Hearing which was held at the Panel Office on 18th September 2012.
- 8 The Hearing was attended by the applicant tenants, Mr and Mrs Fraser, who represented themselves. The respondent landlord's agents did not attend but had already sent letters on 16.4.12 and 4.9.12 advising that the amounts claimed had been credited.
- 9 At the Hearing, the Applicants advised that they had received written confirmation that the amounts had been credited but only received this on Sunday 16.9.12 on their return from holiday, two days before the Hearing. Until that point the charges were in issue.
- 10 Accordingly, the LVT find the amounts originally demanded are no longer payable.
- 11 Regarding the application under s.20C of the Landlord & Tenant Act 1985, the landlord's agents have not indicated whether any costs incurred in connection with these proceedings would be included in future service charge accounts but as the tenants had not received written confirmation that the amounts had been credited until two days before the Hearing, the LVT determine that no costs for these proceedings are to form part of future service charges.



I.D. Humphries B.Sc.(Est.Man.) FRICS
Chairman

Date 26 SEP 2012