

10461



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

**Case reference** : **LON/00BE/LSC/2014/0593**

**Property** : **75 Aberfeldy House, John Ruskin  
Street, London SE5 OXH**

**Applicant** : **The London Borough of Southwark**

**Representative** : **Mr Cremin – enforcement officer**

**Respondent** : **Ms Jacqueline Taylor**

**Representative** : **Mr Coyne**

**Type of application** : **Liability to pay service charges**

**Tribunal member(s)** : **Judge Sonya O’Sullivan**

**Venue** : **10 Alfred Place, London WC1E 7LR**

**Date** : **11 December 2014**

---

**DECISION**

---

## **Background**

1. The applicant seeks and following a transfer of claim number AO1YP431 from the county court the tribunal is required to make a determination under section 27A of the Landlord and Tenant Act 1985 as to whether service charges are payable.
2. The amount sought in the proceedings is £1,130.56 which represents service charges in the sum of £1,117.68 together with interest claimed under the lease. These sums represent amounts demanded in respect of an estimated major works invoice dated 1 April 2014 in the total sum of £2,236.37. The sum sought represents 2 instalments at £558.84 each said to be due on 1 April 2014 and 1 July 2014.
3. The Respondent has filed a defence in the County Court in which she states that she made monthly payments by standing order to the Applicant of £186.28 on 14 April 2014, 14 May 2014, 14 June 2014, 14 July 2014, 14 August 2014 and 14 September 2014. She also points out that these sums were paid before the claim was issued in the county court.
4. An oral case management hearing took place attended by Mr Cremin for the Applicant and the Respondent in person accompanied by Mr Coyne.
5. Ms Taylor confirmed that she had made payment of the sums in question and made no challenge to the sums demanded. Mr Cremin confirmed that the sums had been received shortly after issue of the proceedings. The only issue between the parties remained one of County court costs and interest.
6. The tribunal therefore concluded it had no jurisdiction in this matter given that the sums in issue had been paid and were not challenged. It therefore determines that the file be remitted to the county court so that the county court can dispose of the issue of the court fees and interest. Given the amount in issue the parties were urged to try and reach agreement in relation to those costs so as to avoid further costs being incurred on the part of both parties.

---

**Name:** S O'Sullivan

**Date:** 11 December 2014