



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

Case Reference : **MAN/OOCH/LSC/2014/0077**

Property : **Flat 4, Sandhurst, Blundellsands Road
East, Crosby Liverpool L23 8UJ**

Applicant : **William Becker & Sons Limited**

Representative : **Blundellsands Properties Limited**

Respondent : **Mr Christopher Vaughan**

Type of Application : **Landlord & Tenant Act 1985 – Section 27A**

Tribunal Members : **Laurence Bennett (Tribunal Judge)
Jonathan Holbrook (Tribunal Judge)**

Date of determination : **12 August 2014**

Date of Decision :

DECISION

Application

1. William Becker & Sons Limited apply to the Tribunal under Section 27A of Landlord and Tenant Act 1985 (the Act) for a determination of reasonableness of service charges in respect of Flat 4, Sandhurst, Blundellsands Road East, Crosby, Liverpool 23 8TH (the Property).
2. The Applicant is the Lessor of the Property under a Lease dated 28 May 1965 made between the Applicant of the one part and Marjorie Winifred Wilson of the other part (the Lease).
3. The Respondent is the Owner of the Leasehold interest in the Property created by the Lease.

Background

4. The application received by the Tribunal is dated 30 May 2014.
5. On 11 June 2014, Judge Holbrook made directions which provided that in the absence of a request for a hearing the matter would be determined on the papers. Neither party requested a hearing.
6. In accordance with the directions the Applicant has submitted a statement of case and a copy of relevant documents including the Lease, demands, correspondence and statements of the service charges demanded.
7. The Respondent has failed to comply with the directions, contact the Tribunal or make submissions despite notification and warnings by the Tribunal.
8. The Tribunal convened on 12 August 2014 without the parties to make its determination.

The Law:

9. Section 27A of the Landlord and Tenant Act 1985 provides that an application may be made to the Tribunal for a determination whether a service charge is payable.
10. Section 19 of the Landlord and Tenant Act 1985 states:-
 - (1) Relevant costs shall be taken into account in determining the amount of a service charge payable for a period –
 - (a) only to the extent that they are reasonably incurred, and
 - (b) where they are incurred on the provision of services or the carrying out of works, only if the services or works are of a reasonable standard;
and the amount payable shall be limited accordingly.
 - (2) Where a service charge is payable before the relevant costs are incurred, no greater amount than is reasonable is so payable, and after the relevant costs have been incurred any necessary adjustment shall be made by repayment, reduction or subsequent charges or otherwise.

Consideration

11. The Applicant seeks arrears of service charges demanded for service charge years 2012 to 2015. In response to directions the Applicant has specified the total service charge for these years and the proportions of total service charges relating to the Property.
12. The Tribunal is mindful that the Respondent has not communicated or raised an objection.
13. The Tribunal notes that correspondence sent to the Respondent and its mortgagees refers also to ground rent and costs of collection. As the application does not relate to administration charges and ground rent is not subject to a determination by the Tribunal, this decision and order relates only to service charges identified in each year as set out within the schedules to the application.
14. The Tribunal notes that the Lease provides for payment of a service charge by the Lessee and on the face of it the charges requested are within the scope of the service charge provisions of the Lease.
15. The Tribunal as an expert Tribunal with knowledge and experience of properties of this nature and the range of service charges arising from supply of services similar to those specified within the Lease finds that the sums demanded in respect of each of the service charge years specified are within the reasonable range. In the absence of specific objection, the Tribunal concludes the service charges demanded are reasonable and payable.

Order

16. The service charges demanded by William Becker & Sons for the service charge years 2012, 2013, 2014 and 2015 in respect of the Property are reasonable and payable by the Respondent.

L J Bennett
12 August 2014