

10755



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

Case Reference : **MAN/00BN/LSC/2014/0055**

Property : **108, 210, 322 and 417 Vulcan Works, Pollard Street, Ancoats, Manchester M4 7AN**

Applicant : **Artisan H1 Limited**

Respondent : **Blue Dog Properties Ltd**

Type of Application : **Landlord & Tenant Act 1985 - Section 19, Section 27, and Section 20C**

Tribunal Members : **Ms S O Greenan
Mrs A Franks FRICS**

Date of Decision : **25th March 2015**

DECISION

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10. The Tribunal notes that the consent order includes a provision that the Respondent within 7 days of the date of this order pay to the Applicant a total of £15,042.69 for service charges arrears due for the period 1st July 2013 to 31st March 2015. It also notes that the consent order expressly provides that payment of the service charge for the period 1st January 2014 to 1st March 2015 is made without prejudice to the right of the Respondent to query the service charges for the years ending 2014 and 2015. The latter period is, in any event, not the subject of this application.
11. The effect of the consent order appears to be that the parties have agreed a figure for the Respondent's service charge liability for the year ending in 2013, but not for the year ending in 2012. In relation to the year ending in 2015, the Respondent has agreed to pay the outstanding amounts, but may seek to query them in future.
12. The Tribunal regards it as unfortunate that the parties have not reached a final agreement in relation to the correct amount of service charge for the years ending in 2012 and 2014. The Tribunal however notes that the parties have reached an agreement which both regard as workable and in the circumstances will not seek to interfere with an agreement reached by legally represented parties.
13. The Tribunal also notes that the parties reached an agreement in relation to the issue of the costs of these proceedings and as to the Respondent's section 20C application. The Tribunal sees no reason to interfere with that agreement.

IN THE FIRST TIER TRIBUNAL
PROPERTY CHAMBER (RESIDENTIAL PROPERTY)

BETWEEN

ARTISAN H1 LTD

Applicant

and

BLUE DOG PROPERTIES LTD

Respondent

CONSENT / ORDER

WHEREAS the hearing listed for 03 March 2015, to determine the sums claimed by the Applicant for the 2013 service charge, is vacated:-

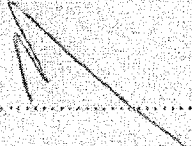
[BY CONSENT] IT IS ORDERED THAT:-

1. The Respondent agrees to the service charge claimed by the Applicant for the year ending 2013 in the sum of £4409.28
2. Within 7 days of this order, the Respondent pays the service charge arrears of £15,042.69 for the period inclusive of 01.07.2013 – 31.03.2015 as claimed by the Applicant in respect of the apartments and car parking spaces at Vulcan Works, Pollard Street, Ancoats, Manchester M4 7AN, such payment to be subject to Paragraph 4 below.
3. The Respondent makes payment of service charges for the period 1st January 2014 to 1st March 2015 without admission or agreement. The Respondent reserves the right to address queries in relation to the 2014 and 2015 service charge accounts, including the car park service charges, following presentation of final accounts from the Applicant.
4. The Applicant pays a sum of £2,500 towards the Respondents legal costs in respect of the present proceedings, this sum to be offset against the service charge payment above for £15,042.69.
5. The costs, including legal costs, and management time incurred and spent by the Applicant to date in relation to the service charges subject to these proceedings, including the 2014 service charges, are not to be regarded as relevant costs and are not recoverable by the Applicant from the Respondent or the service charge.

[WE CONSENT to an Order in the above terms.]

DATED this 25th day of February 2015


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Monarch Solicitors Ltd
for and on behalf of Applicant


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Bury & Walker Solicitors LLP
for and on behalf of the Respondent