



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

- Case Reference** : CHI/00ML/LSC/2020/0117
- Property** : (1)Clarendon House, Clarendon Road, Hove BN3 3WW; (2)Conway Court, Clarendon Road, Hove BN3 3WR (3)Ellen House, Clarendon Road, Hove BN3 3WX; (4) Godstone House, Clarendon Road, Hove, BN3 3WY (5)Livingston House, Clarendon Road, Hove BN3 3WZ
- Applicant** : Long Leaseholders as named on the Schedule.
- Representative** : David Croydon
Justice for Tenants
- Respondent** : Brighton and Hove City Council
- Representative** : Irwin Mitchell LLP
- Type of Application** : Service Charge (section 27A of the Landlord and Tenant Act 1985)
Landlord's Costs (section 20C of the Landlord and Tenant Act 1987)
- Date and venue of Hearing** : Havant Justice Centre
30 November 2021
- Tribunal Member(s)** : Judge Tildesley OBE
Mr Colin Davies FRICS
Ms Jayam Dalal
- Date of Directions** : 30 November 2021

**DECISION TO STRIKE OUT RULE 9(2)(a) of Tribunal Procedure
Rules 2021**

1. This case concerns a demand for payment of service charges by Brighton and Hove City Council (“BHCC”) in September 2018 for major repairs to The Clarendon Ellen Estate. The total cost to the estate was £7,894,783.89 being a cost of approximately £26,000 to leaseholders of a one bedroom flat. The Applicants also submitted an application under section 20C of the Landlord and Tenant Act 1985 to prevent the landlord from recovering costs of the proceedings against the named leaseholders through the service charge.
2. On 29 November 2021 the Tribunal heard the opening of Mr Simon Allison, Counsel for the Respondent.
3. On 30 November 2021 Mr Carl Fain, Counsel for the Applicants informed the Tribunal that (1) the parties had reached an agreement in respect of the service charges pursuant to section 27A(4)(a) of the Landlord and Tenant Act 1985; (2) they had also agreed that none of the Landlord’s costs in respect of these proceedings including the associated applications under section 20C and for dispensation under section 20ZA are to be regarded as relevant costs to be taken into account in determining the amount of any service charges payable by the Applicants; and (3) the Respondent had agreed not to demand from the Applicants by way of administration charge any of its litigation costs in connection with the proceedings.
4. The Tribunal was not made aware of the terms of the agreement in connection with service charges which remain confidential between the parties.
5. The Tribunal was invited to strike out the applications on the ground that it had no jurisdiction to determine them because of the agreement between the parties.

DECISION

6. The Tribunal strikes out the Application under section 27A (**CHI/00ML/LSC/2020/0117**) and the Application under section 20C of the Landlord and Tenant Act 1985 (dated 9 November 2020) pursuant to rule 9(2)(a) of the Tribunal Procedure Rules 2013.

RIGHTS OF APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making application by email to rpsouthern@justice.gov.uk.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28 day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.

SCHEDULE

Property	Name
2 Ellen House	Mena Smith
15 Ellen House	Tatyana Hawkes
19 Ellen House	Iain McLeish
30 Ellen House	Michael Metcalfe
34 Ellen House	Arlette Bauza Philips
36 Ellen House	Anthony Camps-Linney
37 Ellen House	Anthony Camps-Linney
46 Ellen House	Matthew Wintersgill
7 Conway Court	Madeleine Sailani
14 Conway Court	Emma Cox
23 Conway Court	Andrew White and Andrew Hunter
55 Conway Court	Marco Busani
58 Conway Court	Rita Hederman
69 Conway Court	Mark Garland
72 Conway Court	Christopher Barker
12 Clarendon House	Sandra Gillies
20 Clarendon House	Robin Hopkins
22 Clarendon House	Yvonne Taylor
24 Clarendon House	Barry and Patricia Brewster
25 Clarendon House	David Croydon
40 Clarendon House	David Wade
44 Clarendon House	Matthew Wintersgill
27 Goldstone House	Christopher Barker
34 Goldstone House	Penelope Taylor
37 Goldstone House	Violeta Belogaska
39 Goldstone House	Keith Marston
19 Livingston House	Matthew Wintersgill
38 Livingston House	Neil Short
49 Livingstone House	Damon Brown