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LON/00BD/LAC/2007/0004

DECISION OF THE LEASEHOLD VALUATION TRIBUNAL
ON AN APPLICATION UNDER SCHEDULE 11 TO THE
COMMONHOLD AND LEASEHOLD REFORM ACT 2002

Applicant: Mr Leo Coulter

Respondents: Shellys

Re: 4 George House, Victoria Place, Richmond, Surrey, TW9 1RU

Application receive 30 January 2007

Date of Determination 5 April 2007

Member of the Leasehold Valuation Tribunal:

Mrs J S Goulden JP

REF: LON/00BD/LAC/2007/0004

**PROPERTY: 4 GEORGE HOUSE, VICTORIA PLACE, RICHMOND, SURREY
TW9 1RU**

BACKGROUND

1. The Tribunal was dealing with an application dated 29 January 2007 in respect of the following issues:-

(a) an application to determine liability to pay an administration charge under Schedule 11 to the Commonhold and Leasehold Reform Act 2002

(b) an application to limit landlord's costs of proceedings under S20C of the Landlord and Tenant Act 1985.

2. The Applicant, Mr L Coulter, is the tenant of 4 George House, Victoria Place Richmond, Surrey TW9 1RU. The Respondent is Shelleys Property Management and Development.

3. Mr Coulter in his application stated *"on 23 May 2006 the LVT determined that two administration charges imposed on me by Shelleys were unreasonable and unpayable. Shelleys removed these charges from my account, but are now trying to charge me £440.63 in administration costs for having written me letters demanding that I pay the original unreasonable (and retracted) administration charges. This is unfair!"* In respect of the application to limit landlord's costs of proceedings, Mr Shelley said, in his application *"the contentious administration charges I would like to challenge have been imposed in an irresponsible and vexatious manner. It would be unfair for me to incur costs under such circumstances"*.

HEARING

4. A paper hearing was held on 4 April 2007.

5. Written submissions were received from the Applicant. No written submissions were received from the Respondent, although directed to do so in the Tribunal's Directions dated 7 March 2007.

6. In his written submissions, the Applicant referred to the previous LVT decision which related to administration costs in the sum of £117.50 and £146.88 and in respect of which the LVT determined *"that neither of these charges is reasonable....and the Applicant is not liable to pay these sums"*. Mr Coulter said that notwithstanding this, Shelleys had demanding £440.63 in administration costs as set out in paragraph 3 above without any explanation. He said that administration costs had disappeared in his bills only to reappear subsequently. Mr Coulter was of the view that Shelleys' actions had been obstructive vexatious and unreasonable.

THE TRIBUNAL'S DETERMINATION

7. The only reference in the service charge demands served on the Applicant for £440.63 was as "*arrears from previous/other demands*"

8. There has been silence from the Respondent. The Respondent has also ignored the Tribunal's Directions. From a perusal of the previous LVT Decision of 23 May 2006, it is clear that the Respondent had also failed to respond in that case

9. The Tribunal can only make a determination on the evidence before it and on that evidence (and without any explanation or justification from the Respondent) it determines that the charge of £440.63 is unreasonable and the Applicant is not liable to pay that sum.

10. In respect of the application to limit landlord's costs of proceedings under S20C, in view of the fact that nothing has been heard from the Respondent, it appears inconceivable that the Respondent intends to place any such costs on the service charge account. However, for the avoidance of doubt, should the Respondent be contemplating placing any costs of these proceedings on the service charge account, the Tribunal determines that it is just and equitable that the costs incurred by the Respondent in connection with proceedings before this Tribunal are not to be regarded as relevant costs to be taken into account in determining the amount of any service charge payable.

CHAIRMAN.....

Mrs J S L Goulden JP

DATE.....*5 April 2007*.....