

Residential
Property
TRIBUNAL SERVICE

**RESIDENTIAL PROPERTY TRIBUNAL SERVICE
LEASEHOLD VALUATION TRIBUNAL for the
LONDON RENT ASSESSMENT PANEL**

LANDLORD AND TENANT ACT 1985 Sections 27A & 20C (as amended by
C&LRA 2002)

12 Kings Court London HA9 9ES

Ref :LON/00/AE/LSC/2006/0413

Mr John Coleman Applicant/Tenant

County Estate Management Respondent/Landlord

Tribunal : Mrs F J Silverman LLM

Ms M Krisko

DECISION AND REASONS

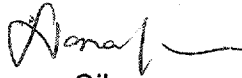
DECISION

- 1 The Tribunal declares that the sum of £200 in respect of a debt collection agency is irrecoverable by the Respondents against the Applicant .
- 2 The Applicant made an application in respect of costs under s 20C which is granted.

REASONS

- 1 The Applicant , who is the tenant of 12 Kings Court London HA9 9ES (the property), made an application to the Tribunal in relation to the sum of £200 demanded of him as a debt collection agency fee.
- 2 The Tribunal received his application on 7 November 2006 and issued Directions on 26 November 2006 .
- 3 The Directions stated that the matter would be dealt with by a paper hearing in the absence of any objections received from either party.
- 4 No objections having been received, the matter was put before a Tribunal for a paper determination on 16 January 2007.
- 5 Having considered the written representations submitted by both parties, and the terms of the lease, the Tribunal determines and declares that the sum in dispute between the parties, namely £200 debt collection agency fee, is not recoverable against the tenant Applicant .
- 6 This is because there is no clause in the lease which permits the landlord to recover legal costs in relation to outstanding service charge payments and no reciprocal covenant by the Applicant tenant to pay such sums.
- 7 The Applicant made an application under s 20 C of the Act which is granted because the Respondent had no right to seek to recover the £200 payment from the Applicant.
- 8 It is appreciated that the demand for the money was issued by the debt collection agency and not by the Respondent, nevertheless, the Respondent as managing agents instructed the debt collection agency to act and thus bears ultimate responsibility for this matter.

9 It appears to the Tribunal that an arrangement was in place whereby the Applicant was paying off his arrears by instalments and thus the intervention of a debt collection agency was premature.



Frances Silverman

Chairman

16/01/07