

RESIDENTIAL PROPERTY TRIBUNAL SERVICE

**SOUTHERN RENT ASSESSMENT PANEL
& LEASEHOLD VALUATION TRIBUNAL**

Case Nos. CHI/21UF/LSC/2008/0039
CHI/21UF/LSC/2008/0040

Property: Flats 1 and 2
127 South Coast Road
Peacehaven
BN10 8QX

Applicants: Mr. C.A. Mills and
Mrs. J.A. Mills

Respondents: Mr. I. C. Bennison and
Mr. C.J. Arnold

Date of Hearing: 19th September 2008

**Members of the
Tribunal:** Mr. R. Norman (Chairman)
Mr. B.H.R. Simms FRICS MCI Arb
Mr. J.N. Cleverton FRICS

RE: FLATS 1 AND 2, 127 SOUTH COAST ROAD, PEACEHAVEN, BN10 8QX

1. Mr. and Mrs. Mills ("the Applicants") as freeholders of No. 127 South Coast Road Peacehaven BN10 8QX commenced proceedings in the County Court (Claim Nos. 8BN00318 and 8BN00322) against Mr. Bennison and Mr. Arnold ("the Respondents") who are the respective lessees of Flats 1 and 2, 127 South Coast Road ("the subject property").
2. Those proceedings, in which the Applicants claimed that the Respondents were liable for service charges and other charges, were transferred to the Leasehold Valuation Tribunal for determination as far as such matters are within the jurisdiction of the Tribunal.
3. Directions were given and a hearing was listed for 19th September 2008. Before the hearing the Tribunal inspected the flat roof at the subject property. Present at the inspection and the hearing were Mr. Arnold, Mr. James of George Ide LLP, Solicitors representing the Applicants and Mr. Newey of Howlett Clarke, Solicitors representing both Respondents.

4. At the hearing it was agreed by Mr. James and Mr. Newey that the matters concerning both Respondents be heard together and that the sums referred to in the Particulars of Claim as contributions to new roof were claimed as service charges.

5. The Tribunal noted that the directions had not been complied with. One of those directions was that the Applicants must by 25th July 2008 provide a statement of case. A statement of case had been provided by the Applicants' Solicitors but it was received long after 25th July 2008 and just a few days before the hearing.

6. At the hearing the representatives were asked to make clear the matters which were still in dispute. They were also given an opportunity to try to reach a settlement.

7. Mr. James on behalf of the Applicants requested an adjournment so that the Applicants could provide certified accounts as required by the leases and so that the Applicants could make an application, which he considered they needed to do, under Section 20ZA of the Landlord and Tenant Act 1985 for dispensation of the consultation requirements contained in Section 20 of that Act.

8. Mr. Newey requested an adjournment so that he and his Clients could properly consider the entirety of the Applicants' case once the application for dispensation was made.

9. The Tribunal provided Mr. James with an application form in respect of the Section 20ZA application.

10. The Tribunal decided that the cases should be adjourned and stated in detail the further directions which were issued. Those directions are as follows.

DIRECTIONS

1. By 3rd October 2008 the Applicants to make an application to the Leasehold Valuation Tribunal under Section 20ZA of the Landlord and Tenant Act 1985 for dispensation of the consultation requirements contained in Section 20 of that Act.

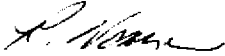
2. By 17th October 2008 the Applicants to produce to the Tribunal and to the Solicitors representing the Respondents certified accounts and relevant demands and any accompanying documentation in respect of the service charges they are claiming.

3. Within 14 days of the receipt by the Respondents' Solicitors of those certified accounts, relevant demands and accompanying documentation, the Respondents to produce to the Tribunal and to the Solicitors representing the Applicants, the Respondents' response.

4. The target date for the adjourned hearing is 14th November 2008 and it will be assumed that the hearing will proceed on that date unless by 26th September 2008 the representatives or either of them notify the Tribunal Office that their Clients or witnesses are unable to attend on that date.

5. It will be helpful to the Tribunal for Mr. Surman and Mr. Enever to attend the adjourned hearing.

6. The notes at the end of the previous directions apply also to these directions and the attention of the parties and their representatives is drawn to those notes which deal with the purpose of directions, the Tribunal's approach to them and the documents to be supplied.

A handwritten signature in black ink, appearing to read 'R. Norman', written in a cursive style.

R. Norman
Chairman.