

**RESIDENTIAL PROPERTY TRIBUNAL SERVICE  
SOUTHERN RENT ASSESSMENT PANEL &  
LEASEHOLD VALUATION TRIBUNAL**

Case No: CHI/21UD/LIS/2010/0062

County Court Claim Number 0BN01370  
(Clerkenwell & Shoreditch County Court)

Re: Flat 3, Dennison House, Cloudesley Road, St. Leonards-on-Sea, East Sussex,  
TN37 6JW

**Between:**

RMB Trading Limited  
(Agents: Eyre & Johnson) (“the Applicant”)

and

Mr Sean Powell  
 (“the Respondent”)

**Decision of the Leasehold Valuation Tribunal**

**The Tribunal determines that it no longer has jurisdiction to make any determination for the Reasons given hereafter. The file is to be sent back to the Clerkenwell & Shoreditch County Court with a copy of this determination.**

Member of the Tribunal: Mr John B. Tarling, MCMI (Solicitor)

Date of the Tribunal’s Decision: 4<sup>th</sup> November 2010

**Background to the Application**

1. On 28<sup>th</sup> July 2010 the Tribunal received the file of papers from the Clerkenwell & Shoreditch County Court in Case Number 0BN01370 relating to a claim made by the Applicant against the Respondents in respect of the above property. The matter had been transferred by the Clerkenwell & Shoreditch County Court to the Tribunal under the provisions of Paragraph 3 of Schedule 12 of the Commonhold and Leasehold Reform Act 2002. That statutory provision provides as follows:  
“3. (1) Where in any proceedings before a court there falls for determination a question falling within the jurisdiction of a leasehold valuation tribunal, the court (a) may by order transfer to a leasehold valuation tribunal so much of the proceedings as relate to the determination of that question.”
2. The Applicant had filed with the County Court some Particulars of Claim which claimed various amounts for leasehold residential service charges and other payments payable under the terms of a Lease dated 30<sup>th</sup> September 1987 and made between Ramadan Salem Hareshe as Lessor and Harvey John Nutt and Sara Elizabeth Lane as Lessees.

3. On 8<sup>th</sup> September 2010 Tribunal gave Directions regarding the preparation of documents and for there to be an oral hearing of the matter. By a letter dated 4<sup>th</sup> November 2010 the Applicants Agents, Eyre & Johnson, wrote to the Tribunal saying that the Respondent had admitted the liability to pay the Service Charges demanded. The Applicants Agents requested the Tribunal to transfer the matter back to the County Court so that any outstanding matters within that court's jurisdiction can be determined.
4. The Tribunal's jurisdiction regarding liability to pay Service Charges is contained in Section 27A of the Landlord and Tenant Act 1985 ("the 1985 Act") which was inserted into that Act by Section 155 of the Commonhold and Leasehold Reform Act 2002. Section 27A (4) of the 1985 Act reads as follows:  
 "27A(4)  
 No application under subsection (1) or (3) may be made in respect of as matter which
  - (a) has been agreed or admitted by the tenant
  - (b) has been, or is to be, referred to arbitration pursuant to a post-dispute arbitration agreement to which the tenant is a party
  - (c) has been the subject of determination by a court
  - (d) has been the subject of determination by an arbitral tribunal pursuant to a post-dispute arbitration agreement"
5. By a letter from Tania Powell to Eyre & Johnson dated 13<sup>th</sup> October 2010 the Respondent said "we accept all Service Charges is due..." By a letter from Eyre & Johnson to the Tribunal dated 4<sup>th</sup> November 2010, the Applicant claims that the Service Charges in dispute are agreed/admitted by the Respondent.
6. The Tribunal concludes that the Respondent has agreed and/or admitted the liability to pay the Service Charges demanded and for that reason the Tribunal no longer has jurisdiction to make any determination.

### **The Tribunal's determination**

7. For the reasons given above the Tribunal determines that it no longer has jurisdiction to make a determination of all the matters that are within its jurisdiction and that were the subject of the County Court proceedings. The Tribunal directs that the file is to be returned to the Clerkenwell & Shoreditch County Court with a copy of this Determination.

Dated this 4<sup>th</sup> November 2010

*John B. Tarling*

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John B. Tarling, MCMI, (Solicitor)

A member of the Panel appointed by the Lord Chancellor