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Residential
Property
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**LEASEHOLD VALUATION TRIBUNAL FOR THE LONDON RENT
ASSESSMENT PANEL**

LON/00AG/LSC/2009/0812

Applicant: London Borough of Camden

Appearances: Ms Patel Court Officer

Respondent: John James Gordon

Appearances: Mr M Gordon

Property: 97 Stanhope Street, London NW1 3LR

Leasehold Valuation Tribunal: Dr Helen Carr
Mr Frank Coffey
Mrs G Barrett

Date of Decision: 19th July 2010

Decision

The Tribunal determined that the service charges demanded by the Applicant in connection with the major works invoices which are payable and reasonable for the Respondent to pay total £2,306.88p.

Preliminary

1. The Applicant, the London Borough of Camden, is the freehold owner of 97 Stanhope Street London NW1 3LR (the property). Its application is for a determination of the reasonableness and payability of two service charge demands, the first made in 2004 for the sum of £2,207.25 and the second made in 2006 for the sum of £1,135.44. The sum of £2656.88p remains outstanding.
2. The matter was transferred from the Central London County Court to the Residential Property Tribunal by an order of the judge dated 1st December 2009.
3. The Respondent, Mr John James Gordon, is the lessee of the property which was demised to him by the Applicant for a period of 125 years from 6th March 1989 at a ground rent of £10.00 per annum.
4. The property is a ground floor flat which forms part of a block containing a number of flats ranged over two stories. The block has been the subject of major works, the relevant details of which are set out below. The property is accessed directly from the street. The block has a main entrance leading to other flats.
5. An oral pre-trial review was held on 20th January 2010 when the parties indicated that the issue before the Tribunal was limited to the payability of the two service charge demands which arose in connection with the major works programme.
6. The matter was set down for hearing on July 19th 2010. . The Applicant was represented by Ms R Patel, Court Officer with Camden Council. Mr Cossill, an Accounts Officer with the Applicant and Ms Atkin, a project manager were also in attendance. The Respondent, Mr J.J. Gordon appeared at the Tribunal and was represented by his son, Mr M Gordon. The Tribunal is grateful for the clarity and conciseness with which both parties presented their case.

The Hearing

7. The hearing of this application took place on 19th July 2010. Although the issues were limited at the Directions hearing to payability, on hearing the parties it became clear that reasonableness was also at issue. In short the issues were
 - a. Whether the lease required the Respondent to pay the service charges demanded
 - b. Whether the Applicant had behaved reasonably in carrying out the security works to the block when it did nothing to improve the security of the ground floor of the block
 - c. Whether the Applicant had behaved reasonably in connection with the letter sent to Mr Gordon following the county court proceedings.

The Background

8. Major works were carried out to the block which included the property during the period 2004 – 2006. The dispute between Mr Gordon and Camden Council concerns security works which were carried out between February 2004 and August 2004, and estate improvement works carried out between November 2005 and July 2006.
9. Camden Council is demanding £1,703.99p in connection with the security works, and £952.89p in connection with the estate improvements.
10. Mr Gordon objects to paying the first invoice because he is a lessee of a ground floor flat and he has not benefitted from the security works to the block. The works consisted of installing an electronic door entry system to the main entrance of the block and fitted handsets for the door entry system to the flats in the main part of the block.
11. Mr Gordon's objections to the second invoice have in the main been solved following the issue of the final account. His sole objection arose in connection with a letter sent to him by Camden Council which said it would inform his mortgage lender of his failure to pay the monies. He found this letter threatening, and inappropriate as he has no mortgage.

The Applicant's case

12. Ms Patel, for Camden Council explained the terms of the lease which requires payment for improvements made to the estate which includes the block within which Mr Gordon lives.
13. Mr Gordon accepted that on the face of the lease the monies demanded are payable and therefore the Tribunal DETERMINES that the service charges demanded are payable.
14. Ms Patel explained that the security works carried out were reasonable, as they addressed a long standing problem of anti-social behaviour on the estate. In particular she drew the attention of the Tribunal to the consultation process which in her opinion enabled Mr Gordon's concerns to be adequately responded to.
15. She apologised for the tone of the letter which had upset Mr Gordon which she agreed was inappropriate.

The Respondent's case

16. Mr Gordon agreed that he had not responded to the consultation exercise. His wife died just before the consultation was carried out and in the past she had been responsible for dealings with the Council. He was not at the time in a fit state to respond.
17. Mr Gordon's problem with the security work is that whilst it solves a problem for the residents of the main block it does nothing for the ground floor residents who have their own street level access to their property. Indeed he gave evidence to the Tribunal that it had exacerbated the situation. More people now knock on his door asking him how to use the entry system. The young people who used to congregate in the stair wells now congregate outside his home. As a result of the works he feels less secure but he is being asked to pay for security works.
18. The Tribunal spent some time discussing with the Council practical suggestions about how to relieve Mr Gordon's problems. Mr Gordon would like the benefit of an intercom which would at least stop him having to answer his door constantly.

Determination

19. The Tribunal commends Camden Council for taking the security of its residents seriously and welcomes its offer to arrange a meeting between Mr Gordon and a housing officer to deal with security issues.
20. As indicated above issues of payability and the reasonableness of the estate improvement works have now been resolved. The only issue requiring determination is the reasonableness of the security works. The Tribunal had to decide whether it is reasonable to ask a lessee to pay towards the resolution of one problem, when the solution imposed creates another. It considers that this is reasonable as long as some effort is made to resolve new problems which arise. It agrees that if Mr Gordon had an intercom it would increase his security. In its expert opinion the cost of the installation of an intercom would be £700. It considers that it is reasonable for Mr Gordon to contribute 50% of the cost of that installation. It therefore has reduced the amount of monies which it is reasonable to require Mr Gordon to pay by £350 to reflect Camden Council's contribution to the cost of an intercom.
21. Ms Patel indicated that Camden Council only wanted to recover the costs of the hearing fee from the service charge account. It seems reasonable to the Tribunal that the cost of the hearing be shared amongst the residents of the block, and therefore it has not made a s.20C order against the Applicant.

Signed



Dr Helen Carr

Dated 19th July 2010