



**Leasehold Valuation Tribunal**  
Case Ref: CAM/22UD/LSC/2012/0051

**Property** : 34 Norman Crescent, Brentwood  
CM13 2 BZ

**Applicant** : Mr Darren Wiseman  
**Represented by** : Mr & Mrs D Wiseman In Person

**Respondent** : London Borough of Newham  
**Represented by** : Mr C McDonnell LBH Leasehold Services  
Mr M Ashley LB Leasehold Services

**Date of Application** : 18 April 2012

**Type of Application** : To determine the amount of service  
charges payable – Section 27A Landlord  
and Tenant Act 1985 (the Act)

**Date of Directions** : 17 May 2012

**Date of Hearing** : 30 August 2012

**Date of Decision** : [] September 2012

**Tribunal** : Mr John Hewitt Chairman  
Mr Stephen Moll FRICS  
Mrs Jane Clark JP

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**DECISION**

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**Decision**

1. At the request of the parties and by the consent of the parties the decision of the Tribunal is that:

- 1.1 The application form shall be amended to record that the Applicant is Mr Darren Wiseman, being the person in whom the lease was vested at the material time;
- 1.2 The contribution to the cost of major works carried out by the Respondent and invoiced to the Applicant by a demand dated 14 March 2011 is the sum of £11,045.25 made up as shown in column 4 of the attached Agreed Schedule;
- 1.3 An order shall be made (and is hereby made) that none of the costs incurred by the Respondent in connection with these proceedings are to be regarded as relevant costs to be taken into account in determining the amount of any service charges payable by the Applicant;
- 1.4 The Tribunal requires that the Respondent shall by 4pm Thursday 20 September 2012 reimburse the Applicant the sum of £350 fees paid by him to the Tribunal in connection with these proceedings.

### **Background**

2. The subject property is a two bedroom flat on the second floor of a block containing 6 flats, numbered 26-36 Norman Crescent, Brentwood.
3. This application relates to major works carried out by the Respondent (the Council) in 2009. The Major Works Invoice for the contribution payable by the Applicant is dated 14 March 2011 and the Council demanded the sum of £14,203.79. By letter dated 1 June 2011 that was reduced to £13,779.43 because the cost of works to the front entrance doorway were incorrectly included. That letter describes the scope of the major works as comprising:

*“Low Rise Enveloping works involving repairs to or replacement of external and communal components of the block. This includes: concrete & brickwork repairs, roof repairs or replacement, including fascias, soffits and rainwater goods; balcony repairs, window replacement; repair or replacement of bin store doors, roofs, and brickwork; communal area decoration and flooring; external decorations; other minor building works; renewal of communal lighting and electrical services; and installation of door entry systems.”*

### **Inspection and hearing**

4. On the morning of 30 August 2012 we had the inestimable benefit of an inspection of the block in the company of Mr & Mrs Wiseman and Mr McDonnell and Mr Ashley for the Council.

5. At the hearing the Applicant represented himself and was accompanied and supported by his wife, Mrs Samantha Wiseman  
The Council was represented by Mr Cahal McDonnell, accompanied and supported by Mr Michael Ashley.

**Matters in Dispute and Settlement**

6. At the commencement of the hearing we established the matters in dispute, the nature and extent of the documentation and evidence which each party would need to adduce to support their case and the manner in which the hearing would be conducted.
7. The hearing was adjourned from time to time to enable the parties to take stock and to have private discussions as necessary.
8. In the event the parties, with some guidance from the Tribunal, were able to arrive at a compromise outcome which each of them was willing to accept. This outcome is recorded in the attached Agreed Schedule. For avoidance of doubt we record that prior to the formal issue of this Decision drafts of it and the Agreed Schedule have been sent to the parties, particularly for the arithmetic on the Agreed Schedule to be checked. Each of them has confirmed it accurately records what was agreed.

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John Hewitt  
Chairman  
[] September 2012