



**FIRST-TIER TRIBUNAL  
PROPERTY CHAMBER  
(RESIDENTIAL PROPERTY)**

**Case Reference** : **LON/00AY/LSC/2016/0473**

**Property** : **Flat 15 and 29 Beechcroft Close,  
Valley Road, London SW16 2EW**

**Applicant** : **Beechcroft Close Management  
Limited**

**Representative** : **Carpenter & co solicitors**

**Respondent** : **Mr. Sydney Baiden**

**Representative** : **N/A**

**Type of Application** : **Service charges and administration  
costs**

**Tribunal Member** : **Judge LM Tagliavini**

**Date and venue of  
hearing (paper)** : **10 Alfred Place, London WC1E 7LR  
20 April 2017**

**Date of Directions** : **20 April 2017**

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**DECISION**

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A. The tribunal determines that the respondent tenant is liable to pay to the applicant landlord the following sums:

(i) £4715.12 in respect of service charges for Flat 15\* for the period 13/03/2013 to 29/09/2016

(ii) £207 administration charges for legal fees.

(iii) Administration charges for legal costs in the sum of £3626.80(including VAT)

\*Arrears of service charges for Flat 29 have now been settled by the tenant's mortgagee prior to the sale of this property. Therefore, the landlord no longer seeks to include them as part of this claim.

### **BACKGROUND**

1. This a referral from the county court sitting at Lambeth by an order of District Zimmels dated 7 December 2016 transferring this application to the FTT. The Applicant landlords seek the tribunal's determination as to the Respondent tenant's liability to pay arrears of service charges pursuant to section 27A of the Landlord and Tenant Act 1985 and administration costs for legal fees pursuant to Schedule 11 of the Commonhold and Leasehold Reform Act 2002. On 31 January 2017 the tribunal gave comprehensive directions for the conduct of this transferred application (claim).
2. The tenant has failed to comply with the directions given by the tribunal and has also failed to comply with an order of the tribunal requiring him to produce evidence of payment in the sum of £5969.08 for replacement windows to both of the subject flats and which, the tenant wished to rely upon as a "set-off. Pursuant to the tribunal's direction the tenant's defence is "struck out."
3. Therefore, in reaching its decision the tribunal relies solely on the evidence produced by true landlord in the hearing bundle which has been provided both to the tribunal with a copy sent to the tenant.

### **The applicant's case**

4. In support of the application, the landlord relied upon the written evidence of Roger Harris, Managing Agent contained in a witness statement dated 14 March 2017 and supported by a number of exhibits including a table setting out the calculation of the service charges for

Flat 15. A Statement of Costs was also included in the hearing bundle in which, the landlord seeks legal costs of £3,626.80 (including VAT).

**The tribunal's decision and reasons**

5. In the absence of any defence and in reliance on the evidence provided by the applicant, the tribunal is satisfied that the service charge arrears are reasonable and are the liability of the tenant in the sum of £4715.12. The tribunal is also satisfied, having regard to The Eight Schedule of the lease that provision for the recovery of legal costs from the tenant is provided for in this Schedule. Again, in the absence of any defence or argument to the contrary, the tribunal determines that the sums sought in costs of £3626.80 (including VAT) are payable by the tenant.
6. The tribunal remits this matter back the county court at Lambeth for any further orders that may be sought.

**Name:** Judge Tagliavini

**Date:** 20/04/2017