



**In the FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY) and in
the COUNTY COURT AT Croydon
sitting at 10 Alfred Place, WC1E 7LR**

Case reference : **LON/00AH/LSC/2019/0415**

County Court Claim No. : **F8AY13G7**

Property : **Flat 41b, Selcroft Road, Purley,
Surrey, CR8 1AG**

Applicant : **41 Selcroft Road (Purley)
Management Company Limited**

Representative : **Mr Farncombe, Solicitors Agent**

Respondent : **Janice Mansfield**

Representative : **Did not attend and was not
represented**

Type of application : **Liability to pay service charges
and/or administration charges**

Tribunal member : **Tribunal Judge I Mohabir**

Venue : **Remote CVP hearing**

Date of directions : **24 November 2021**

ORDER

COVID-19 ARRANGEMENTS

- For the tribunal's current procedures, please see the Guidance for Users at: <https://www.judiciary.uk/wp-content/uploads/2021/02/Guidance-for-Users-February-2021-final.pdf>
- Unless directed otherwise, all communications to the tribunal, including the filing of documents and bundles, should be by **email ONLY**, attaching a letter in Word format. Emails must be sent to

London.RAP@justice.gov.uk. The attachment size limit is 36MB. If your attachments are larger than 36MB they must be split over several emails.

If a party does not have email, access to the Internet and/or cannot prepare digital documents, they should contact the case officer about alternative arrangements.

Background

- (1) The applicant seeks and following a transfer from the county court the tribunal is required to make a determination under section 27A of the Landlord and Tenant Act 1985 as to whether service charges are payable; and under Schedule 11 to the Commonhold and Leasehold Reform Act 2002 as to whether administration charges are payable.
- (2) In addition to a claim for unpaid service charges and administration charges, the claimant/applicant seeks to recover costs incurred to the issue of proceedings and an award of contractual costs under the lease.
- (3) The original proceedings were issued in the county court under claim no. F8AY13G7 and were transferred to the tribunal by District Judge Rowland by order dated 24 October 2019.
- (4) An oral case management hearing took place on 7 January 2020 and the Tribunal issued Directions. These included a direction that this case was to be dealt with as a 'deployment case', which allows the Tribunal to deal with the County Court proceedings as well. The proceedings were, however, stayed following the start of the Covid-19 Pandemic.
- (5) On 25 August 2021, the Tribunal issued further Directions and listed the case for a final hearing today.
- (6) By reason of the Respondent's non-compliance with paragraphs 4 and 5 of the Tribunal's further directions and, arguably, her non-compliance with the Tribunal's Notice to Strike Out dated 16 November 2021, the hearing had to be vacated and listed instead for a case management hearing at 10am.
- (7) The Respondent failed to attend the case management hearing and no explanation was given for her non-attendance. The Tribunal waited until 10.15am for the Respondent to attend and attempted to contact her by email to enquire about her non-attendance without success. The hearing concluded at approximately 10.47am, by which time the Respondent had still failed to attend.

Order

1. Pursuant to Rule 9(7)(a) and (8) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the Respondent is debarred from defending the claim.

Name: Tribunal Judge Mohabir

Date:
24.11.21

NOTES

- (a) Whenever you send a letter or email to the tribunal you must also send a copy to the other parties and note this on the letter or email.**
- (b) If the applicant fails to comply with these directions the tribunal/court may strike out all or part of their case pursuant to rule 9(3)(a) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 (“the 2013 Rules”) or under the Civil Procedure Rules.**
- (c) If the respondent fails to comply with these directions the tribunal/court may bar them from taking any further part in all or part of these proceedings and may determine all issues against it pursuant to rules 9(7) and (8) of the 2013 Rules or under the Civil Procedure Rules.**

SCHEDULE

DISPUTED SERVICE CHARGES S/C YEAR ENDED 2019

Case Reference:	2019 0415	Premises:	41b Selcroft Road
-----------------	-----------	-----------	-------------------

ITEM	COST	LESSEE'S COMMENTS *	LESSOR'S COMMENTS *	LEAVE BLANK (FOR THE TRIBUNAL)

- *1) Chargeable under lease?
- *2) Reasonable in amount/ standard?
- *3) Correctly demanded?