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Residential
Property
TRIBUNAL SERVICE

**LONDON RENT ASSESSMENT PANEL
LEASEHOLD VALUATION TRIBUNAL**

Case Reference LON/00AY/LSC/2010/0007

**DIRECTIONS OF THE LEASEHOLD VALUATION TRIBUNAL ON AN
APPLICATION UNDER S27A LANDLORD AND TENANT ACT 1985**

Applicant : Gegham Mnatsakanyan

Respondent : Christopher Worth

**Premises : 15 Cleveland Mansions, Mowill
Street, London SW9 0ES**

Date of Application : 5 January 2010

Date of Oral Pre-Trial Review : 23 February 2010

Appearances for Applicant : None

Appearances for Respondent : Mrs E Biagini

Also in Attendance : None

Leasehold Valuation Tribunal : Mr John Hewitt

Full Hearing date : 4 and 5 May 2010

Preliminary

1. On 5 January 2010 the Tribunal received an application pursuant to s27A of the Act. The Applicant has also made a related application under s20C of the Act in respect of any costs that the Respondent may incur in connection with these proceedings.
2. The Applicant is the current tenant and the Respondent is the current landlord of the Premises. The 'Particulars' page of the copy lease provided to the Tribunal is missing and it is not possible to state the date of the lease and the names of the parties to it.

It appears that the Premises were demised for a term of years at a ground rent set out in the Particulars payable by equal half yearly payments on 25 March and 29 September in each year and on other terms and conditions therein set out.

3. Covenants on the part of the tenant are set out in the Fifth and Ninth Schedules. Covenants on the part of the landlord are set out in the Sixth Schedule. Items of expenditure which are to comprise the Maintenance Fund are set out in the Eighth
4. The lease imposes an obligation on the landlord to insure the Premises, to carry out repairs and redecorations and to provide other services as set out in the lease.
5. The lease imposes an obligation on the tenant to contribute to the costs and expenses incurred by the landlord in carrying out its obligations. There is a provision for the tenant to pay sums on account of the liability which arises. The sums so payable appear to be service charges within the meaning of s18 of the Act.
6. It appears from the application form and the information given by the Applicant that the principal questions in issue for the Tribunal to determine relate to service charges claimed by the Respondent as follows:-

	2005	2006	2007	2008
Site Visits			£840	£1,050
Scaffolding			£6,187	£1,233
Roofer			£700	£14,441
Restore Front of Building				£21,177
Management Fee				£4,783
Bank Charges			£171	£129
Postage and Stationery		£215	£235	£260
Hallway Painting	£8,700			
Hallway Carpet		£5,080		
Emergency Lighting	£1,810			

Track

7. This case is allocated to the standard track.

Statements of Case - Documents - Evidence

8. The Application form shall stand as the Applicant's statement of case. The Applicant shall by **4pm Friday 12 March 2010** file with the Tribunal a copy of the 'Particulars' page of his lease.
9. The Respondent shall by **4pm Friday 19 March 2010** serve on the Applicant a statement of case in answer setting out his case that the items of expenditure in issue have been expended, are reasonable in amount, were reasonably incurred, where relevant that the Respondent complied with the consultation requirements of s20 of the Act and that the sums in issue are payable by the Applicant. The Respondent shall attach to the statement of case copies of all invoices, receipts, vouchers or any other reports, notices, documents or witness statements he wishes to rely upon in support of his case.

10. The Applicant shall by **4pm Friday 2 April 2010** serve on the Respondent a statement of case in reply and shall attach to it copies of all documents and witness statements which the Applicant wishes to rely upon at the hearing.
11. The Respondent shall by **4pm Friday 9 April 2010** serve on the Applicant a statement of case in answer, if so advised.

Expert Witnesses

12. The Tribunal does not consider that there is a need for expert evidence. If either party disagrees with this assessment, they may apply to the Tribunal by **4pm Friday 9 April 2010** for permission to rely upon expert evidence. Any such application shall be supported by details of the expert proposed to be called and an explanation as to why his or her evidence is likely to assist the Tribunal to determine the issues.

Section 20C Application

13. The application under s20C of the Act will be heard by the Tribunal immediately after the close of the hearing of the substantive application, when the parties will be invited to make submissions.
14. If the Respondent proposes to submit that it is just and equitable that costs incurred or to be incurred in connection with these proceedings shall be permitted to be regarded as relevant costs to be taken into account in determining the amount of any service charge payable by the tenant or any other person(s) specified in the application, then the Respondent shall bring to the hearing a written summary estimate of the costs in question, to include an estimate of the costs of the hearing itself.

Hearing Papers

15. It is important that the hearing shall be conducted efficiently. In good time prior to the hearing the parties must cooperate in the preparation of

one single volume of documents in a lever arch file relevant to the matters the Tribunal shall have to deal with.

Generally the hearing file should contain copies of:

- The application form;
- These directions and any further directions that may be issued;
- The lease;
- The statements of case;
- Service charge accounts for the years in issue;
- Any witness statements;
- Any expert's reports;
- Key documents relating to each specific item of service charge expenditure in issue;

Only **relevant** documents should be included in the file. It is wasteful for unnecessary documents to be included. The parties are required to be sensible and practical about what documents are to be included.

The file should contain clear legible copies of documents presented in date order or some other sensible and appropriate order. Each sheet shall be separately page numbered clearly in black ink in the bottom right hand corner.

An index of key documents placed at or near the front of the hearing file is often helpful to the Tribunal and the parties and enables key documents to be accessed quickly.

16. Responsibility for the preparation of the hearing file shall rest with the Applicant.
17. The Respondent shall by **4pm Friday 9 April 2010** notify the Applicant what documents he wishes to have included in the hearing file. The Applicant shall then add the documents which he wishes to be included, avoiding any unnecessary duplication. There shall not be included in the hearing file copies of any documents that have not previously been disclosed to the opposite party pursuant to the directions set out above.

18. The Applicant shall by **4pm Friday 23 April 2010** deliver one copy of the hearing file to the Respondent (free of charge) and four copies to the Tribunal office.

Reimbursement of Fees

19. At the conclusion of the hearing the Tribunal may consider whether the Respondent should reimburse to the Applicant (either in full or in part) any fees paid to the Tribunal on making this application and/or for the hearing.

Notice under regulation 9 of the Leasehold Valuation Tribunals (Fees) (England) Regulations 2003 is hereby given to the parties.

Inspection and Hearing

20. The hearing of the application will commence at **10:00 Tuesday 4 May 2010** at 10 Alfred Place London WC1E 7LR and will continue on Wednesday 5 May 2010 if required.

21. At the hearing the Tribunal will consider whether an inspection is required and, if so, arrangements will be made with the parties.

No documents or letters are to be sent to the Tribunal unless also sent to every other party and this shall be clearly marked on each document/letter submitted. Case papers and documents should not be copied to or submitted to the Tribunal prior to the lodging of the hearing files.

Non-compliance with the Tribunal's Directions may result in prejudice to a party's case. In particular, failure to provide evidence as directed may result in the Tribunal deciding to debar the defaulter from relying on such evidence at the full hearing. In the case of the Applicant non-compliance could result in dismissal of the application in accordance with regulation 11 of the Leasehold Valuation Tribunals (Procedure) (England) Regulations 2003.

A handwritten signature in black ink, appearing to read "John Hewitt". The script is cursive and fluid.

John Hewitt

Chairman

23 February 2010