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LONDON RENT ASSESSMENT PANEL

DECISION OF THE LEASEHOLD VALUATION TRIBUNAL

ON AN APPLICATION UNDER SCHEDULE 11 TO THE COMMONHOLD AND
LEASEHOLD REFORM ACT 2002

Case Reference: LON/00AJ/LAC/2012/0020

Premises: 7 Morgan Court, 21-23 Uxbridge Road, Hanwell
W7 3PX

Applicant(s): Mr M S Bhatti

Representative: In person

Respondent(s): Ealing Gate Management Co Ltd

Representative: HML Hawksworth Property & Estate Management

Date of decision: 13th November 2012

Leasehold Valuation Tribunal: Mr Adrian Jack and Mr Luis Jarero BSc FRICS

Determination

1. By an application to the Tribunal dated 7th September 2012 the tenant applied for determination of his liability to pay administration charges in the sum of £1,264.56.
2. The Tribunal gave directions on 21st September 2012. These were substantially complied with by the parties. The parties agreed that the matter be determined on paper and there was no request for an oral hearing.

The law

3. Paragraph 5(4)(c) of Schedule 11 to the Commonhold and Leasehold Reform Act 2002 provides that the Leasehold Valuation Tribunal shall have no jurisdiction in respect of administration charges which have been the subject of determination by the Court. This is an exception to the Tribunal's general power under Schedule 11 to determine administration charges.

County Court proceedings

4. By an action commenced in the Northampton County Court (bulk issuing centre) under action no 2YK19649 the landlord sought recovery of the administration charges which the tenant is disputing in the current application. By Order of 9th July 2012 judgment by default was entered for those sums against the tenant.
5. The tenant denies having received the Claim Form and Particulars of Claim. That is not a matter for this Tribunal; it is a matter for the County Court whether to set aside the default judgment. Unless and until the judgment is set aside the Tribunal has no jurisdiction to decide whether the administration charges are payable.

Costs

6. The Tribunal has a discretion as to who should pay the fees payable to the Tribunal. In the current case the tenant has lost, albeit on jurisdiction rather than on the merits. Nonetheless in our judgment the tenant should pay those fees. The Tribunal therefore makes no order in respect of those costs.
7. The tenant applied for an order under section 20C of the Landlord and Tenant Act 1985. Since he has lost, it is in our judgment inappropriate to make such an order.

DETERMINATION

The Tribunal accordingly determines:

- (a) that it has no jurisdiction to determine the issues before it;
- (b) that there be no order for costs;
- (c) that the tenant's application for an order under section 20C of the Landlord and Tenant Act 1985 be refused.

Adrian Jack

Adrian Jack, Chairman

13th November 2012