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

Case Reference : CHI/00HN/LVT/2017/0012

Property : 111 Talbot Road, Talbot Park,
Bournemouth, Dorset, Bournemouth BH9
2JE

Applicant : Scott Littlefield

Representative : SPL management

Respondent : Anthony Michael Gray

Representative :

Type of Application : Landlord & Tenant Act 1987 - variation of a
lease by a party to the lease

Tribunal Member(s) : Judge Tildesley OBE

**Date and Venue of
Hearing** : Determination on the Papers

Date of Decision : 26 February 2018

DECISION

The Application

1. The Applicant seeks a determination under section 35 of the 1987 Act to vary the leases for the above property by altering the service charge proportion in each lease to 1/7th of the total maintenance charge. At the moment the service charge proportions in each lease do not add up to 100 per cent.
2. There are seven flats in the development which are subject to long leaseholds for terms of 125 years commencing 25 December 2003. The bundle contained specimen leases for the flats.
3. The Applicant holds the freehold to the property which is registered at the Land Registry under title number DT329317.
4. The Respondent is the leaseholder of the seven flats.
5. On 11 December 2017 the Tribunal directed the Application be determined on the papers unless a party objected within 28 days. The Tribunal received no objections.
6. Under the directions the Respondent was required to indicate to the Tribunal whether he agreed with the application.
7. The hearing bundle included an email from the Trustee in Bankruptcy for the Respondent who indicated his consent to the application.

Determination

8. The Tribunal is satisfied that the Applicant has made out the ground under section 35(2)(f) of the 1987 Act that the leases at the Property failed to make satisfactory provision for the computation of a service charge because under the present leases the amount recoverable under the service charge proportions for all the leases is less than 100 per cent of the service charge expenditure (section 35(4) of the 1987 Act).
9. The Respondent has not objected to the application.
10. The Tribunal determines that the proposed variation is reasonable and grants the variation as set out below to the leases for the seven flats:

SIXTH SCHEDULE

1. The Maintenance Charge

The Maintenance Charge payable by the tenant shall be a yearly sum in respect of each year ending on the 24 of December equal to (1/7th) of the total of the following:

11. The parties are ordered to endorse a memorandum of this variation on the originals and the counterparts of each of the leases and apply to the Land Registry for a record of the variation to be placed in the property registers of the various titles by 1 June 2018.

RIGHTS OF APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28 day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking