



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

Case reference	:	CAM/22UC/LSC/2019/0038
Property	:	13 Monken Hadley House, Broad Road, Braintree, Essex CM7 5GQ
Applicant	:	Monken Hadley Management Company Limited
Representative	:	PDC Law
Respondent	:	Ms Donna Hoyle
Representative	:	Michael Ryan (litigation friend)
Type of application	:	Determination of service charges: section 27A Landlord and Tenant Act 1985
Tribunal member(s)	:	Judge Wayte
Date of decision	:	30 July 2109

DECISION

Decisions of the tribunal

- (1) Upon confirmation from both parties that there are no outstanding service charges up to 30 September 2018 and the Applicant waiving the instruction fee of £150, there is nothing further for the tribunal to decide.
- (2) The case be transferred back to the Chelmsford County Court to determine the question of costs.

The application

1. This case was sent to the tribunal by an order of Chelmsford County Court dated 18 February 2019 for a determination of what, if any, service charges are due and payable.
2. The papers were received on 5 June 2019 and directions given on 20 June 2019.
3. On 22 July 2019 the Applicant's solicitors wrote to the tribunal to confirm that the leaseholder had cleared the service charge arrears which were the subject matter of the dispute. An administration charge had been levied of £150 in respect of a solicitor's instruction fee which the Applicant had agreed to waive. This left only the costs of issuing the County Court proceedings which are not within the jurisdiction of this tribunal under the terms of the transfer.
4. A telephone case management hearing was held on 30 July 2019. The Respondent's litigation friend confirmed that there was no dispute in connection with the service charges up to 30 September 2018. The Applicant agreed to provide him with an up to date statement of account. His case is that the shareholders had agreed that the service charges would not be due until the end each service charge period and therefore proceedings had been commenced prematurely.
5. The Applicant's legal costs includes £840 which they claim are payable under the lease, the court fee of £205 and costs of issue of £80. These are all costs of the County Court proceedings and have not crystallised as an administration charge.
6. In the circumstances the matter must therefore be referred back to the County Court pursuant to the tribunal's case management powers under Rule 6 of the Tribunal procedure (First-tier Tribunal) (Property Chamber) Rules 2013.

Name: Judge Wayte

Date: 30 July 2019

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.

The application for permission to appeal must arrive at the regional office within 28 days after the tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).