



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

Case Reference : **MAN/00FF/LSC/2018/0056**

Property : **Westgate Apartments, Leeman Road, York
YO26 4ZF**

Applicant : **Mr M D Sinclair**
Representative : **N/A**

Respondent : **Westgate (York) Limited**
Representative : **Watson Solicitors**

Type of Application : **Landlord and Tenant Act 1985 – s 27A**

Tribunal Member : **Judge M. J. Simpson**

Date of Directions : **16 August 2019**

ORDER

Final Order

Further to the Directions of 22nd July 2019 and upon reading the Respondents' email of 9th August 2019 and the Applicant's response thereto dated 10th August 2019.

And being satisfied that Mr Sinclair has discharged the evidential burden of raising an issue regarding the Service Charges in dispute, and that the Respondent is unwilling or unable to adduce evidence to contradict Mr Sinclair's assertions.

It is Ordered that:-

1. The Service Charges, the subject of Mr. Sinclair's application of 8th October 2018, relating to the Reserve Accounts for the years 2012 -2017, have, to the extent alleged by Mr Sinclair (£370.92 in total), been unreasonably incurred.
2. The Respondent shall forthwith reimburse Mr. Sinclair (to the extent that it may not have already done so) the said sum of £370.92 plus the sum of £100 refund of the application fee paid by Mr Sinclair.
3. The Tribunal considering it just and equitable to do so, orders that any costs incurred by the respondent or its agent in connection with this application shall not, pursuant to Section 20C, be relevant costs in any service charge computation.

Tribunal Judge Martin Simpson.

16 August 2019.