



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

Case Reference : CHI/00HN/LAC/2019/0023

Property : 108 Admirals Walk, West Cliff Road,
Bournemouth BH2 5HF

Applicant : Mr P and Mr D De Rosa

Representative :

Respondent : Admirals Walk 2000 Ltd

Representative : Napier Management Services Ltd

Type of Application : Liability to pay administration charge

Tribunal Member(s) : Judge D. R. Whitney

Date of decision : 3rd April 2020

DECISION

Background

1. The Applicant seeks a determination of their liability to pay an administration charge in the sum of £513.60 and an order pursuant to section 20C of the Landlord and tenant Act 1985 and paragraph 5A of Schedule 11 of the Commonhold and Leasehold Reform Act 2002.
2. Directions were issued on 3rd February 2020 for the disposal of this application.
3. It should be noted that originally this application was joined with an application in respect of a determination as to the Applicants liability to pay a service charge under case reference CHI/00HN/LSC/2019/0107. This application was struck out by order dated 10th March 2020. This application was struck out as the liability to pay had been determined under an earlier case reference CHI/00HN/LSC/2016/0085.
4. Under the directions the Applicants application form dated 24th October 2019 and attachments stood as their statement of case.
5. The tribunal directed that the matter do be determined on paper unless any party objected. No objection has been received.
6. Pursuant to paragraph 8 of the directions the Respondents were to file and serve their statement of case by 25th February 2020. Nothing has been received from the Respondent or their representative.

Determination

7. The Applicants look to challenge a sum of £513.60 claimed in a letter sent to the Applicants by Laceys Solicitors dated 22nd May 2019. A copy of the letter was attached to the Application.
8. The letter suggests that these costs are the fees charged by Laceys Solicitors for acting on behalf of the Respondent in pursuing alleged service charge arrears. A breakdown of the sum is given as being £425 plus VAT and £3.60 disbursements. The letter refers to various attachments including a Summary of tenants' rights and obligations in respect of administration charges.
9. The Application sets out that the Applicant has been endeavouring to communicate with the Respondent over major works to the balconies at the Property. It would appear that the works have not been undertaken to a standard which the Applicants consider reasonable. It is worth mentioning that the tribunal did receive a letter dated 9th December 2019 from the Respondents representative in which they indicated the Respondent was looking to take legal action over the balcony works.

10. The Respondent has not filed any statement of case. In particular they were required by the directions to identify the lease terms upon which they relied and provide a breakdown of the sum sought.
11. Nothing has been supplied. The letter to the Applicants claiming the sum does not specify any clauses of the lease.
12. The tribunal determines that the Applicants are not liable to pay any part of the sum claimed of £513.60. The Respondents have failed to provide any information as to the basis upon which they are entitled to claim the same or as to how the amount claimed has been calculated. The Respondents solicitors' letter does not refer to any lease clauses and the breakdown supplied is not sufficient to assess whether if the amount was allowed under the lease is reasonable. The tribunal determines that it is just and equitable for the application to be successful.
13. The Applicant has been wholly successful in its application and given the failure by the Respondent to engage it is just and reasonable to make an order pursuant to section 20C of the Landlord and Tenant Act 1985 and Paragraph 5A of the Commonhold and Leasehold Reform Act 2002 preventing the Respondent recovering any costs associated with this application from the Applicant either directly or via the service charge.

Judge D. R. Whitney

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

