



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

**Case Reference** : **BIR/00CN/LVT/2020/0004**

**Property** : **Brindley House, Newhall Street, Birmingham,  
West Midlands B3 1LL**

**HMCTS  
(paper,video, audio)** : **CVPREMOTE**

**Applicant** : **Brindley House RTM Company Limited**  
**Managing Agent** : **Centrick**  
**Representative** : **J B Leitch Solicitors**

**Respondent (1)** : **Wallace Estates Limited (Head Lessee &  
Intermediate Lessor)**

**Respondent (2)** : **The Long Leaseholders listed in the  
Application (Underlessees)**

**Date of Application** : **6<sup>th</sup> July 2020**

**Type of Application** : **To vary the lease by parties to the lease  
(s35 Landlord and Tenant Act 1987)**

**Tribunal** : **Judge JR Morris**  
**Mr V Ward BSc Hons FRICS – Regional  
Surveyor**

**Date of Order** : **8<sup>th</sup> September 2020**

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**ORDER**

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UPON the application dated 6<sup>th</sup> July 2020 and the Tribunal's decision dated 3<sup>rd</sup> September 2020

**IT IS ORDERED THAT:**

- 1) Pursuant to section 38(3) of the Landlord and Tenant Act 1987 Act all the residential long Underleases at the Property are varied, with effect from the date of this Order, as follows:
  1. The words “and Interim Expenditure” to be added to the definition of the Service Charge in Clause 1 as follows:

“the Service Charge” – the Service Charge Proportions of the Expenditure and Interim Expenditure or such other proportion of Expenditure as the Management Company or the Landlord may from time to time determine to be fair and reasonable having regard to the benefit derived and the advantages variously enjoyed or available for the beneficial use and enjoyment by the tenants and occupiers of the Development.
  2. Sub-paragraph 6.3 to be added to paragraph 6 of the Seventh Schedule as follows:

6.3 If during a Financial Year, the Management Company reasonably expects the Expenditure to increase materially above the estimate, the Management Company may revise its estimate of the Expenditure and the Expenditure will be based on that revised estimate (“the Interim Expenditure”). The Management Company may serve a supplemental demand in respect of the further Interim Expenditure at any time within the Financial Year such demand will become due for payment by the Tenant to the Management Company 28 days after the date of service. The Landlord may revise the Expenditure no more than once in a Financial Year.
- 2) Pursuant to section 38(9) of the Act it is ordered that the Chief Land Registrar shall make such entries on the registers relating to the titles hereby affected for the purpose of recording and giving effect to the terms of this Order.

**Judge JR Morris**

**8<sup>th</sup> September 2020**