



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

Case reference	:	LON/00BK/LAC/2020/0016 (FVHREMOTE)
Property	:	Flat 1B, 22.23 Hyde Park Place, London W2 2LP
Applicant	:	Mehnaz Arshad Malik
Representative	:	Gavin Bennison of Counsel
Respondent	:	22/23 Hyde Park Place Freehold Limited
Representative	:	Philip Byrne of Counsel
Type of application	:	For the determination of the liability to pay and reasonableness of service charges (s.27A Landlord and Tenant Act 1985)
Tribunal member(s)	:	Judge Professor Robert Abbey Mr Peter Roberts Dip Arch RIBA (Professional Member)
Date of original decision	:	29 March 2021
Date of correction	:	13 April 2021

RULE 50 CORRECTION OF DECISION

1. In paragraph (6) of the original decision it was stated that “The tribunal further determines that it is just and equitable in the circumstances for an order to be made under section 20C of the Landlord and Tenant Act 1985 that 100% of the costs incurred by the applicant in connection with these proceedings should not be taken into account in determining the amount of any service charge payable by the tenants.”. This was in error because the applicant made a section 20C application, but of course in respect of the respondent’s costs (as lessor).

2. To correct this error the Tribunal applies Rule 50 of the of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 S.I. 2013 No. 1169 (L. 8) and substitutes the words set out below for the incorrect wording set out above. The same applies to paragraph 40 of the original decision. Furthermore, In the original decision the Tribunal did not expressly deal with the applicant's application for an order under Schedule. 11, paragraph 5A of Commonhold and Leasehold Reform Act 2002. This was meant by the Tribunal to be covered by paragraph (6) and the above clause is therefore amended again as follows to cover both errors, *"The tribunal further determines that it is just and equitable in the circumstances for an order to be made under section 20C of the Landlord and Tenant Act 1985 and paragraph 5A of Schedule 11 to the Commonhold and Leasehold Reform Act 2002 that 100% of the costs incurred by the respondent in connection with these proceedings should not be taken into account in determining the amount of any service or administration charge payable by the tenant"*.
3. Finally paragraph 24(m) of the decision should read *"unspecified Professional fees 01/10/2020 – 01/20/2020 [no invoice provided], £760.80"* and not relating to a Fresh Management fee £1500.
4. To correct these errors the Tribunal applies Rule 50 of the of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 S.I. 2013 No. 1169 (L. 8). Therefore, clause (6) of the original decision and 24(m) should read as set out in the latter part of paragraphs 2 and 3 above.

Name: Prof Robert M Abbey

Date: 13 April 2021