



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

**HMCTS code (audio,  
video, paper)**

**V: CVPREMOTE**

**Case reference** : **CAM/26UE/LSC/2021/0017**

**Property** : **Flat 3  
Bank Chambers  
84 Watling Street  
Radlett  
Herts  
WD7 7AB**

**Applicant** : **Andrew David Rose and Leslie Ann  
Rose**

**Respondent** : **Jeffrey Benedyk and Mark Reuben**

**Representative** : **Ms Sally Drake of Benjamin Stevens**

**Date of Application** : **14 March 2021**

**Type of application** : **Application for a determination of  
liability to pay and reasonableness of  
service charges**

**The Tribunal** : **Tribunal Judge S Evans  
Mr Roland Thomas MRICS**

**Date/ place of hearing** : **10 August 2021  
By cloud video platform**

**Date of decision** : **16 August 2021**

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**DECISION**

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**Pursuant to rule 35(1) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the Tribunal considers it appropriate, at the request of the parties, to make a consent order in terms set out below.**

### **Covid-19 pandemic: description of hearing**

This has been a remote video hearing which was not objected to by the parties. The form of remote hearing was V: CVPREMOTE. A face-to-face hearing was not held because it was not practicable and all issues could be determined in a remote hearing. The documents before us were in a bundle of 280 pages.

## **REASONS**

### **Introduction**

1. By their application, the Applicants seek a determination of reasonableness of service charges.
2. Following directions from the Tribunal, the parties completed a Scott Schedule of Disputed Service Charges.
3. This revealed that all bar 2 of the items in dispute were still in issue.
4. There is a linked case for dispensation of consultation requirements pursuant to s.20ZA of the Landlord and Tenant Act 1985, under case reference CAM/26UE/LDC/2021/0028. There is a separate decision in relation to that case.

### **The Hearing**

5. At the outset of the hearing, the parties agreed the figure for the final item on the Scott Schedule, concerning insurance for the service charge year ending 2021.
6. This left the only item in dispute to be the Applicants' contribution to be major works (internal/external decorations) for 2019.
7. After hearing full representations from the parties, it appeared to the Tribunal that the parties were not far apart, and invited Mr and Mrs Jones and Ms Blake to leave the virtual hearing room to see if they could settle their differences.
8. The parties were willing to compromise, and pursuant to Rule 35 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013,

the Tribunal considers it appropriate, at the request of the parties, to make a consent order in the following terms:

- (1) It is agreed that the Applicants are liable to the Respondents in the following sums in respect of their service charges:
    - (a) Major works (internal/external decorations) for 2019: £2750
    - (b) Insurance for 2019: £172.72 (rebate of £138.57)
    - (c) Insurance for 2020: £215.89 (rebate of £238.34)
    - (d) Insurance for 2021: £238.28 (rebate of £215.95)
  - (2) The Respondents' costs (if any) in connection with this application should not be regarded as relevant costs to be taken into account in determining the amount of any service charge or administration charge payable by the Applicants (Flat 3) and Emma Dowling (Flat 1) and Kate Crombie (Flat 2), pursuant to s.20C of the Landlord and Tenant Act 1985/ para. 5A of Sch.11 to CLARA 2002.
  - (3) The Respondents shall reimburse the Applicants the sum of £1000 from their service charge account, by 31 August 2021.
  - (4) The Respondents shall reimburse the Applicants the sum of £300, being the application fee and the hearing fee, by the same date.
9. The Tribunal concludes by thanking the parties for their sensible concessions, and the way in which the hearing was approached.

**Name:** Tribunal Judge S Evans

**Date:** 16 August 2021.

### **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).