



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

CASE REFERENCE : **BIR/00FK/LSC/2021/0007**

PROPERTY : **Flat55, 34 Greenwich Drive
North, Derby. DE22 4BH**

APPLICANT : **Mr Michael Anthony Solomon**

**APPLICANT'S
REPRESENTATIVE** : **Ms Kathleen Astill**

RESPONDENT : **Sanctuary Housing Association**

TYPE OF APPLICATION : **Reasonableness of Service
Charges. S27A Landlord and
Tenant Act 1985
Liability to pay costs. S20C
Application under Para 5
Schedule 11 Commonhold &
Leasehold Reform Act 2002**

TRIBUNAL : **Tribunal Judge Peter Ellis
Tribunal Member Vivek Chadha**

DATE OF HEARING : **18 January 2022**

DATE OF DECISION : **03 February 2022**

Decision

- 1. Service Charges for the year 2017/8 in the sum of £3484.32 are reasonable and payable.**
- 2. Service Charges for the year 2018/9 in the sum of £3628.56 are reasonable and payable.**
- 3. Service Charges for the year 2019/20 in the sum of £3965.56 are reasonable and payable.**
- 4. The costs incurred by the Respondent in connection with these proceedings are not to be regarded as relevant costs to be taken into account in determining the amount of service charges payable by the Applicant**
- 5. The Applicant is not liable to pay an administration charge in respect of costs of these proceedings.**

1. On 27 September 2021 the Applicant issued this application relating to service charges for the years 2017/18, 2018/19 and 2019/20. The Applicant also asked for orders under section 20 C a Landlord and tenant Act 1985 (the Act) and 5A Schedule 11 Commonhold and Leasehold Reform Act 2002.
2. Directions were given for the service of evidence by the Tribunal on 29 September 2021. The parties eventually complied with the directions and the matter was listed for a paper determination.
3. Although the service charges for the years in question exceeded £3000 pounds in each year the amount in dispute related to the sums charged for gas and water. The point at issue was whether or not the Respondent had properly apportioned those charges to the Applicant and the calculation of and application of any refund due to the Applicant for overpayments. The issues are summarised in the Tribunal's Directions.

4. The parties' respective submissions clarified the issues between them. The Respondent agreed to reapportion the relevant charges which had the effect of reducing the gross sum payable in each year. The Applicant has agreed and accepted the revised charges and the application of any refund due to him.
5. The Respondent in its submissions conceded that it would not add the costs of these proceedings to the future service charges payable by the Applicant. Also, it agreed to make no claim for the cost of the proceedings as an administration charge payable by the Applicant.
6. As the parties have now settled upon the correct method of apportioning charges for utility payments the Tribunal is able to confirm that the revised gross charges for years in question are reasonable and payable and orders accordingly.
7. If either party is dissatisfied with this decision they may apply to this Tribunal for permission to appeal to the Upper Tribunal (Lands Chamber). Any such application must be received within 28 days after these written reasons have been sent to the parties (rule 52 of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013).

Tribunal Judge Peter Ellis.