



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

Case reference : **LON/00AN/LSC/2020/0067**

Property : **46, Auriol Road, London, W14 0SR**

Applicant : **Ms D Becher**

Respondent : **Mr A McKeer**

Type of application : **Reasonability and payability of service charges, pursuant to section 27A of the Landlord and Tenant Act 1985.**

Tribunal : **Ms H C Bowers BSc MSc MRICS
Mr S Johnson MRICS**

Date of Hearing : **15 February 2023**

Date of Decision : **20 February 2023**

DECISION

The Tribunal determines that in relation to both the First Floor Flat and the Second Floor Flat, Ms Becher is to pay the total sum of £4,975.77 to Mr Kingsley by 28 days starting with the date that this Decision is sent to the parties.

REASONS

Background

- (1) The Tribunal issued a decision in this case on 21 October 2021. However, the decision was subject to an amendment under Rule 50 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013. That correction was made on 24 January 2022.

- (2) The Respondent in the case, Mr McKeer, was the previous Tribunal appointed manager, whose appointment ended on 31 March 2020. The new manager, Mr Kingsley, was appointed with effect from 1 April 2020.
- (3) At the end of the original Reasons the Tribunal set out the Next Steps to be taken. Mr McKeer was to liaise with Mr Kingsley and Ms Becher to provide an adjusted statement of account to reflect the finding in the decision.
- (4) Revised statements of account were produced that reflected the Decision, but prior to the correction on 24 January 2022. However, no agreement was reached. Directions were issued for this reconciliation matter to be resolved. This eventually resulted in the matter being listed for a hearing on 15 February 2023.

The Hearing

- (5) The hearing took place on 15 February 2023 at 10:00am at 10, Alfred Place, London, WC1E 7LR. Ms Becher, the Applicant, was in attendance as was Mr McKeer.
- (6) The Tribunal had the benefit of several papers. However as is set out below the crucial document was a table prepared by Mr David Budgeon on behalf of Ms Becher. Mr McKeer had access to that document.

The Issue

- (7) The only matter that this Tribunal has to determine is the reconciliation of the service charges during the period of Mr McKeer's management from 2017 to 31 March 2020.
- (8) Mr McKeer confirmed that when he took over the management of the 46, Auriol Road there was no transfer of any monies into his accounts. In addition, he stated that he was not provided with any statement of account. Therefore, his management started with a zero balance.
- (9) Mr McKeer also accepted that the Tribunal's decision found that for all the service charges years when he was the manager, the total sums payable by Ms Becher in respect of the First Floor Flat and the Second Floor Flat was £9,521.70. He also accepted that during this period the total sums paid by Ms Becher were £4,545.93. The difference between these two figures is £4,975.77. This is set out in the table prepared by Mr Budgeon.
- (10) Mr McKeer accepts that the sum now payable by Ms Becher for the period 2017 to 31 March 2020 is £4,975.77 for both of the flats. He agrees that Ms Becher should pay the sum to Mr Kingsley. On payment of the sum Ms Becher will have no further arrears for the period up to 31 March 2020. Of that sum a total of £1,500 (her contribution to the reserves for 2017, 2018 and 2019) will be allocated to the reserves for the two flats owned by Ms Becher (namely (£750 per flat).

(11) The Tribunal determines that Ms Becher should pay £4,975.77 within 28 days starting with the day this Decision is sent to the parties.

(12) Mr McKeer stated that the sum in the client account on the day his management ended was £24.68 and this was transferred to Mr Kingsley. He was unable to say how that sum should be allocated between the four flats. As it is such a de minimis sum, I trust that this will not become a point of friction between the parties in the future.

(13) The Tribunal fully understands the frustration experienced by Ms Becher. But trusts that this decision brings her some closure. Mr McKeer informed the Tribunal that he will be retiring in the next couple of weeks.

Name: Helen Bowers

Date: 20 February 2023

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).