



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

<b>Case Reference</b>	: CHI/29UC/LSC/2022/0047 and CHI/29UC/LIS/2023/0001
<b>Property</b>	: Flat 35 Durovernum Court, Old Dover Road, Canterbury, Kent, CT1 3DA
<b>Applicant</b>	: Mr R D T Farmer & Mrs T Farmer
<b>Representative</b>	:
<b>Respondent</b>	: Durovernum Court Management Company Limited
<b>Representative</b>	: Kingsfords Solicitors Limited
<b>Type of Application</b>	: Determination of liability to pay and reasonableness of service charges and ancillary applications and also transferred proceedings from County Court in relation to service charges and administration fees
<b>Tribunal Member(s)</b>	: Judge Tildesley OBE Mr P Turner Powell FRICS Mr E Shaylor
<b>Date of Hearing</b>	: 27 February 2023 Havant Justice Centre Hybrid hearing by CVP Platform
<b>Date of Decision</b>	: 27 February 2023 2 March 2023 in writing

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**DECISION**

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1. The Applicants applied for a determination of their liability to pay service charges from 2021/22 pursuant to section 27A of the Landlord and Tenant Act 1985.
2. The Applicants posed the following two questions to be determined by the Tribunal:
  - 1) Does the lease provide for the retention of unspent monies collected as service charges and does the lease provide for the accumulation of funds without any stated purpose?
  - 2) Are the demand for service charges valid if the terms of the lease have not been met, ie the certified accounts have not been served?
3. After hearing from Mr Richard Granby of Counsel for the Applicant and Mr Mark Davies of Counsel for the Respondent. The Applicant conceded that question 2 had no merit in relation to a service charge on account. The Tribunal decided that question 1 was outside its jurisdiction. The Tribunal acknowledged that it may be a valid issue for the Court proceedings which were to follow the Tribunal proceedings.
4. The Tribunal, therefore, strikes out the Application and the connected application in accordance with rule 9(2)(a) and (e) of the Tribunal Procedure Rules 2013.

## **RIGHTS OF APPEAL**

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application by email to [rpsouthern@justice.gov.uk](mailto:rpsouthern@justice.gov.uk) to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28 day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.