



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

Case Reference : CHI/00HN/LSC/2022/0096

Property : Flat 8, 16 Undercliff Road,
Bournemouth, Dorset, BH5 1BL

Applicant : Fay Milward & Tun Chit

Representative :

Respondent : Salterns Management 15/16 (RTM) Ltd

Representative :

Type of Application : Determination of liability to pay and
reasonableness of service charges: section
27A Landlord and Tenant Act 1985

Tribunal Member : Judge Tildesley OBE
Mr M Donaldson FRICS

Date of Hearing : 28 April 2023
Havant Justice Centre

Date of Decision : 28 April 2023

Decision

1. The Applicants seek a determination of liability to pay and the reasonableness of service charges totalling £19,990 pursuant to section 27A Landlord and Tenant Act 1985, for service charge years:
 - 1 September 2019 – 31 August 2020
 - 1 September 2021 – 31 August 2022
 - 1 September 2022 – 31 August 2023
2. The Application was heard at Havant Justice Centre on 28 April 2023. The Applicants attended in person. Mr Robert Cooper and Mr Ben Thompson, Directors, appeared for the Respondent company. Mr Lewis Chandler was also in attendance. The Applicants supplied the bundle of documents
3. At the beginning of the hearing the Tribunal explained the extent of its jurisdiction and explored with the parties possible options for moving forward. The Tribunal then heard from the parties in respect of the three disputed matters identified by the Applicants.
4. The Tribunal announced its decision and determined as follows:
 - i. Year ended 31 August 2020, Costs of £190 for unblocking the drain: Miss Milward accepted liability to contribute to the costs of £190.
 - ii. Year ended 31 August 2022, Costs of £1,000 for solicitors fees in connection with legal action against the Respondent. The Tribunal found that there was no authority under the lease to recover the solicitor's fees. The Tribunal, therefore, determined that Miss Milward was no liable to pay a contribution of £125 towards legal fees.
 - iii. Year ended 31 August 2023, costs of £18,800 for surveyor's fees and repair works to Flats 6 and 8. Miss Milward accepted that these matters had not crystallised as service charges, and did not pursue the dispute in respect of these costs.
 - iv. The Tribunal Ordered the Respondent to reimburse the Applicants with £100 in connection with the Tribunal fees of £300 incurred. The Respondent to pay this amount within 35 days from the date of this decision.

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 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.