



FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference : CHI/00ML/LSC/2021/0080

Property : 137 Calendula Court, Donald Hall Road,
Brighton BN2 5DN

Applicant : Elizabeth Sarah Carter

Representative : Deborah Spurgeon

Respondent : Brighton and Hove City Council

Representative : Mr S Allison, counsel, instructed by Irwin
Mitchell LLP

Type of Application : Determination of service charges

Tribunal
Member(s) : Judge D R Whitney
Mrs A Clist MRICS
Mr E Shaylor MCIEH

Date of Hearing : 12th and 13th October 2022

Date of Decision : 12th May 2023

DECISION

Background

1. The Applicant sought a determination of liability to pay service charges, pursuant to section 27A Landlord and Tenant Act 1985 ("the Act"). The service charges in dispute date back to years ending 31 March 2016 and 31 March 2017.
2. A decision dated 12th December 2022 was issued. This provided that the parties were to agree the figures for the final service charge amounts to take account of the various reductions conceded and those sums determined by the Tribunal. In default of agreement the parties could seek further directions.
3. The solicitors for the Respondent, by letter dated 23rd January 2023, sought further directions. The representative for the Applicant sent in letter dated 27th January 2023.
4. Neither party has made an application for leave to appeal the earlier decision.
5. We issued directions dated 1st February 2023 inviting submissions on the actual amounts. Both parties made such submissions and this is our decision on the actual amounts to be paid.

Decision

6. Both parties submitted submissions dated 17th February 2023 which had various annexes to the same. The Tribunal has considered all of these carefully together with the original hearing bundle and its decision dated 12th December 2023.
7. The Applicant relies principally upon a letter written to the Tribunal dated 27th January 2023. Essentially this letter does not engage with the actual amounts taking account of the reductions we found were appropriate but looks to seek greater percentage reductions.
8. The Applicant has not appealed the original decision. We raised this in our directions dated 1st February 2023 and made clear our original decision set out the percentage reductions we considered reasonable. This letter also seeks to challenge further cost items and we are satisfied these are not matters we should now consider. Our original decision set out our findings as to what reductions this Tribunal considered should be properly made having taken account of all the evidence and submissions made by the parties.
9. We have considered the submissions on behalf of the Respondent. We note that credit has been given for the amounts conceded prior to the original decision and applied the findings of the same. We accept their submissions as to the amount of the reductions. We

endorse the figures contained within those submissions and the spreadsheet produced in respect of the major works. This means that the Applicants total liability is £32,105.02, being made up of £25,854.06 for the Major Works and £6,250.96 in relation to the lift works.

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
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.