



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

Case Reference	: CHI/00ML/LSC/2023/0040 CHI/00ML/LSC/2023/0031 CHI/00ML/LSC/2023/0064
Property	: Flat 3 41 Kings Road, Brighton, BN1 1NA Flat 5, 41 Kings Road, Brighton, BN1 1NA Flat 6, 41 Kings Road, Brighton, BN1 1NA
Applicant	: Miss Kate Barker C & L Dwyer-Smith Limited Mr Danny M T Lee
Representative	: Craig Dwyer-Smith (For Flat 5)
Respondent	: Mr C Cleanthi
Representative	: Mr Paul Harrington Bate Albon Solicitors
Type of Application	: Liability to pay service charges and limitation of landlord's costs. Sections 27A and 20C Landlord and Tenant Act 1985 and Paragraph 5A of Schedule 11 Commonhold and Leasehold Reform Act 2002
Tribunal Member	: Judge Tildesley OBE
Hearing Venue & Date	: Havant Justice Centre 21 June 2023
Date of Decision	: 21 June 2023

DECISION
Rule 35 of Tribunal Procedure Rules 2013

1. The Tribunal received applications from the leaseholders of Flats 3, 5 and 6 seeking a determination of the payability and reasonableness of service charges for the years 2021 and 2022. The matter in dispute related to the costs of major works which had been the subject of a Tribunal decision (CHI/00ML/LSC/2022/0033) for Flat 10 published on 12 November 2022.
2. The Tribunal directed a preliminary hearing on 21 June 2023 at 2pm at Havant Justice Centre to explore whether the parties can reach a settlement based upon the Tribunal's determination for Flat 10.
3. Miss Barker and Mr Dwyer Smith attended the hearing via the Common Video Platform. Mr Harrington appeared in person for the Respondent. The Tribunal understands that Mr Lee was unable to attend the hearing but that he agreed with the making of the proposed Order. The Tribunal decided to proceed in the absence of Mr Lee and if he objects to the Order he must do so in writing to the Tribunal within 7 days from the date of this decision.
4. The Tribunal proceeded to make an Order on the following terms to dispose of the proceedings and in full and final settlement of the Applicants' applications pursuant to rule 35 of the Tribunal Procedure Rules 2013.

The Tribunal consents to the following Order being made.

5. The Respondent shall pay by way of refund of service charges within 28 days from the date of this decision to each Applicant as follows:
 - Miss Barker of Flat 3 the sum of £9,983.48
 - C & L Dwyer-Smith Limited of Flat 5 the sum of £6,655.65
 - Mr Danny M T Lee of Flat 6 the sum of £8,874.20
6. In addition the Respondent shall reimburse each Applicant the Tribunal Application fee of £100 within 28 days.