



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

Case Reference : **BIR/00FY/LIS/2023/0007**

Court Reference : **J22YX304 (County Court at Derby)**

Property : **Flat 3, 29 Victoria Embankment, NOTTINGHAM,
NG2 2JY**

**Applicant/
Claimant** : **Victoria Embankment Management Company Ltd**

**Applicant's
representative** : **PDC Law**

**Respondent/
Defendant** : **Mr Simon Michael Gamble**

Application : **Service Charges
on Transfer from the County Court
at Derby**

Date of Decision : **1 September 2023**

DECISION

This decision takes effect and is 'handed down' from the date it is sent to the parties by the tribunal office:

Summary of decisions made by the Tribunal

- (1) The sum of £5,775.45 is payable by Mr Simon Michael Gamble to Victoria Embankment Management Company Ltd in respect of service charges, administration charges and contractual costs.

Summary of the decisions made by the Court

- (2) Judgement is entered against Mr Simon Michael Gamble for the sum of **£6,330.45** payable by **13 October 2023**.

REASONS

Background

- A. The Applicant issued proceedings against the Respondent in the County Court claiming arrears of service charge contributions in the sum of £5,775.45; a court fee of £455.00 and legal costs on the claim of £100.00 totalling £6330.45. The charges relate to the service charge provisions set out in a lease of the Premises dated 25 April 2008 between (1) Chase Midland VCT Limited (Landlord), (2) Victoria Embankment Management Company Limited (Management Company) and (3) Simon Michael Gamble (tenant).
- B. A Defence was filed by the Respondent which does not challenge the amounts claimed, just the Respondent's liability to pay. He says that he has no contract with the Applicant and didn't sign the lease attached to the Particulars of Claim. However it is clear from the official copies of the leasehold title that the Respondent is the registered proprietor of the lease.
- C. Directions were issued on 27 April 2023 requiring the Respondent to confirm his identity and whether or not he was the same Simon Michael Gamble who is shown as the registered proprietor of the leasehold title NT444168. He was also ordered to confirm whether or not he wished to otherwise challenge the payability and/or reasonableness of the service charges or seek orders limiting costs.
- D. The Respondent failed to respond to the Directions. On 22 June 2023 Judge D Jackson directed the Respondent to comply with the Directions of 27 April 2023 no

later than 4.pm on 10 July 2023 failing which he would be automatically barred from taking further part in the proceedings pursuant to Rules 9(1) and 7(a).

- E. The Respondent has not complied with the directions and is therefore barred from taking further part in the proceedings. Furthermore, the Respondent was warned that the Tribunal may determine all or any of the issues against the Respondent pursuant to Rule 9(8).

DECISION

Decision and reasons (Tribunal)

1. The Respondent has failed to provide any evidence that supports his defence and has not otherwise challenged the payability or reasonableness of the charges demanded. He has not participated in the proceedings since this matter was referred to the Tribunal. The Tribunal therefore makes a summary determination that the service charges demanded of £3,665.45 were reasonably incurred.
2. As no challenge has been made to the Administration charges of £430.00 or the contractual costs payable under the lease totalling £1,680.00 the Tribunal also finds that they are payable.

Decision and reasons (County Court)

3. The only costs claimed in relation to the county court proceedings are the issue fee of £455.00 and the solicitor's costs on the summons of £100.00. Faced with the tenant's refusal to pay the service charges lawfully demanded under the lease, the Management Company had little option but to issue proceedings in this case and is therefore entitled to its issue costs and solicitors costs totalling £555.00.

Conclusion

4. By way of conclusion the following decisions have been made:
 - i) Service charges of £3,665.45 are assessed as payable;
 - ii) Administration and contractual costs totalling £2,110.00 are assessed as payable;
 - iii) The Respondent's defence is rejected;
 - iv) Issue costs and legal costs on the summons totalling £555.00 are payable;
 - v) Summary Judgement is granted to the Claimant in the total sum of £6,330.45;

- vi) A County Court order for this sum accompanies this decision.
- 5. The annexe to this decision applies.

Name: Judge D Barlow

Date: 1 September 2023

ANNEXE – RIGHTS OF APPEAL

Appealing against the tribunal's decisions

1. A written application for permission must be made to the First-tier Tribunal at the Regional tribunal office which has been dealing with the case.
2. The application for permission to appeal must arrive at the Regional tribunal office within 28 days after the date this decision is sent to the parties.
3. 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.
4. The application for permission to appeal must state the grounds of appeal, and state the result the party making the application is seeking. All applications for permission to appeal will be considered on the papers.
5. Any application to stay the effect of the decision must be made at the same time as the application for permission to appeal.

Appealing against the County Court decision

1. A written application for permission must be made to the court at the Regional tribunal office which has been dealing with the case.
2. The date that the judgment is sent to the parties is the hand-down date.

3. From the date when the judgment is sent to the parties (the hand-down date), the consideration by the decision maker of any application for permission to appeal is hereby adjourned for 28 days.
4. The application for permission to appeal must arrive at the Regional tribunal office within 28 days after the date this decision is sent to the parties.
5. The application for permission to appeal the decision maker's decision must state the grounds of appeal, and state the result the party making the application is seeking. All applications for permission to appeal will be considered on the papers.
6. Upon the receipt of the decision maker's decision on an application for permission to appeal, if a party wishes to pursue an appeal, the time to do so is extended and that party must file an Appellant's Notice at the appropriate County Court (not Tribunal) office within 21 days after the date the refusal of permission decision is sent to the parties.
7. If no application to the decision maker is made for permission to appeal, any application for permission must be made to an appeal court/centre within 42 days of the hand-down date on an Appellant's Notice.
8. Any application to stay the effect of the order must be made at the same time as the application for permission to appeal.

Appealing against the decisions of the tribunal and the County Court

In this case, both the above routes should be followed.