



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

Case Reference : **LON/OOBE/LSC/2022/0212**

Property : **6 Ashton Court, 11 Elmwood Road, London
,SE249NU**

Applicant : **G Holmes White (Properties) Limited**

Respondent : **Fergus William Chappell**

Type of Application : **Determination as to payability and
reasonableness of service charges**

Tribunal Members : **Judge Shepherd**

**Date and venue of
Hearing** : **Paper determination on 7th December 2022**

DECISION

1. This case concerns an application by G Holmes White (Properties) Limited (“the Applicant) close brackets for determination pursuant to section 27A of the landlord and tenant act 1985 as to the reasonableness and payability of service charges. The application relates to alleged unpaid service charges by the Respondent Mr Fergus William Chapel. The Respondent is the leaseholder of premises at Top Floor Flat, 6 Ashton Court 11 Elmwood Rd, London SE249NU (“the premises”). This is a top floor flat in a period conversion consisting of three flats. It is alleged by the Applicant that the respondent has service charge arrears for the periods 2019 to 2022 inclusive. The total amount due is said to be £3684.87. Surprisingly the Respondent has failed to respond to any directions made by the tribunal and therefore this is an uncontested claim.

2. The following sums are claimed by the Applicant:

2019 - £ 336.72 representing a third share of the expenditure on various standard service charge matters.

2020- £2436.32 representing a third share of expenditure on various standard service charge matters together with a share of major works costs in relation to roof repairs and electrical works.

2021- £490.02 representing a third share of expenditure on various standard service charge matters together with a share of major works costs in relation to project and management fees.

2022 -£421.81 – representing a third share of expenditure on various standard service charge matters.

3. The Applicant helpfully completed the Scott Schedule ordered in the directions notwithstanding the fact that the Respondent had failed to raise any objections to the sums sought. The schedule outlines why each charge is payable under the lease and when demands were sent for the sums due. In addition, in relation to the major works the s.20 notices and associated

documents are highlighted in the bundle. A statement outlines in more detail the claims made and a witness statement of Russell Baldwin confirms that the Respondent's lease is dated 4th March 1987; that the Applicant acquired the freehold on the property on 17th December 2021 and outlines the relevant lease terms. A schedule of service charge arrears is attached to the statement.

Determination

4. Although the Tribunal did not have the benefit of an inspection or from hearing the parties it is clear that the Applicant has a sound claim for service charge arrears. The case is well prepared and the Respondent has failed to respond to it. The demands appear genuine and all of the costs are reasonable. Accordingly, the Tribunal determines that the sum of £3684.87 is due from the Respondent.

Judge Shepherd

7th December 2022

ANNEX - 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.