



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

**Case reference** : LON/00AY/LSC/2024/0079

**Property** : Flat A (Ground Floor), 4 Chancellor  
Grove, London SE21 8EG  
~~Ruth Moore (Freeholder)~~

**Applicant** : **4 Chancellor Grove Freehold Limited**

**Representative** : Ruth Moore (Freeholder)

**Respondent** : Alistair Russell Court, The Court Group

**Representative** : Alan McKenzie, The Court Group

**Type of application** : For the determination of the liability to  
pay service charges under section 27A of  
the Landlord and Tenant Act 1985

**Tribunal member** : Judge Tagliavini

**Venue** : 10 Alfred Place, London WC1E 7LR

**Date of decision** : 21 August 2024

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**DECISION**

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## **Decisions of the tribunal**

- (1) The tribunal determines the respondent is liable to pay a 1/3 contribution towards the service charges pursuant to the terms of the lease.
- (2) The tribunal determines the service charges for the service charge years 2017/2018; 2018/2019; 2019/2020; 2021/2022 are reasonable and payable by the respondent in the sums demanded by the applicant.

## **The application**

1. The applicant seeks a determination pursuant to s.27A of the Landlord and Tenant Act 1985 ('the 1985 Act') payability and reasonableness of the service charges demanded from the respondent for the service charge years 2017/2018; 2018/2019; 2019/2020; 2021/2022.

## **Preliminary issue**

2. The tribunal finds the proper applicant is the freehold company 4 Chancellor Grove Freehold Limited, of which Ms Ruth Moore is a director. Therefore, pursuant to rule 20 of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal substitutes 4 Chancellor Grove Freehold Limited as the proper applicant, as it the freeholder and a party to the respondent's lease.

## **The hearing**

3. Neither party requested an oral hearing of the application. Therefore, the tribunal determined the application on the documents provided in the digital bundle of 113 pages.

## **The background**

4. The property which is the subject of this application is a three storey mid-nineteenth century house converted into three flats. The applicant is the freehold owner and the respondent holds a long lease (surrender and re-grant) dated 3 June 2014 of the ground floor flat known as Flat A, 4 Chancellor Grove, London se21 8EG.
2. Neither party requested an inspection and the tribunal did not consider that one was necessary, nor would it have been proportionate to the issues in dispute.

3. The respondent holds a long lease of the property which requires the landlord to provide services and the tenant to contribute towards their costs by way of a variable service charge. The specific provisions of the lease and will be referred to below, where appropriate.

### **The issues**

4. At the start of the hearing the parties identified the relevant issues for determination as follows:

- (i) The payability and/or reasonableness of service charges for the years 2017/2018; 2018/2019; 2021/2020; 2021/2022.
- (ii) Specifically, the respondent challenged the following service charge items:

#### **2018/2019**

- (i) Filing fee - £26.00
- (ii) Search fees x 2 - £6.00
- (iii) Land registry fee - £39.99
- (iv) Land registry fee - £39.99

#### **2019/2020**

- (i) Accountant's fees
- (ii) Accountant's fees - £1,344

#### **2020/2021**

- (i) Accountant's fees - £950

#### **2021/2022**

- (i) Accountant fees - £750

5. The respondent asserted the above service charges did not fall within the terms of the lease for the subject flat (Flat A) and/or the accountant's fees were excessive in amount. The applicant submitted that the disputed service charges were supported by invoices and had been reasonably incurred in respect of the management of the building at 4 Chancellor Grove.('the building').
6. Having considered all of the documents provided, the tribunal has made the following determinations.
7. The tribunal finds the respondent is required to contribute towards accountant's fees where they have been incurred in respect of the management of the subject building. The tribunal finds the Fourth Schedule of the lease sets out '*the costs expenses outgoing and matters in respect of which the tenant is to contribute.*' These include at paragraph 10
 

*All fees charges payable to any solicitor accountant ... whom the Landlord may from time to time reasonably employ in connection with the management and/or maintenance of the Building and/or in connection with enforcing the performance observance and compliance by the Tenant and the tenants of the other flats or their obligations and liabilities...*
8. The tribunal finds the disputed sums were supported by invoices which set out how the sums were incurred. These invoices were addressed to the applicant landlord and showed, that in addition to the preparation of accounts, other work included general advice and company secretarial work.
9. The tribunal finds the respondent failed to amplify as to why the sums incurred in respect of accountancy fees were unreasonable or excessive. The tribunal accepts the applicant's evidence that these sums were incurred in respect of the management of the building. The tribunal accepts that this reasonably included advice on the terms of the lease and the respondent's liability to contribute to the service charges and finds from the invoices provided, there is nothing to indicate otherwise.
10. In conclusion, the tribunal finds the sums demanded by the applicant have been properly and reasonably incurred and to which the respondent is liable to contribute a 1/3 share.

**Name:** Judge Tagliavini

**Date:** 21 August 2024

### **Rights of appeal**

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.

The application for permission to appeal must arrive at the regional office within 28 days after the tribunal sends written reasons for the decision to the person making the application.

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.

The application for permission to appeal must identify the decision of the tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).