



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

Tribunal Case reference : **LON/00AP/LSC/2024/0107**

Property : **Second Floor Flat, 45 Rosebery Gardens, N8 8SH**

Applicant : **Denis Vanden-Plas**

Representative : **PDC Law**

Respondents : **Siamak Niazi Jorfi
Maryam Jorfi**

Representative : **In Person**

Type of application : **Transfer from County Court**

Tribunal : **Judge Bernadette MacQueen
Mr S Wheeler MCIEH, CEnvH**

Date of Hearing and Further Directions : **19 July 2024**

Date of Decision : **17 September 2024**

Decision

Decision

- 1. The Applicant did not comply with any directions of this tribunal to provide documentation and did not attend the hearing listed on 19 July 2024. The tribunal therefore returns this matter to the County Court at Clerkenwell and Shoreditch.**

Background

2. The Claimant/Applicant issued proceedings in the County Court on 9 September 2022 making the following claims for the period 24 June 2020 – 23 June 2022;

Service Charges	£6559.92
Administration Fee	£120.00
Administration Fee	£280.00
Administration Fee	£2100.00 (legal fees)

3. A Defence and Counterclaim (undated) was filed by the Defendants/Respondents. The defence takes a number of issues such as cleaning fees and managing agent's fees and states that gardening fees were wrongly charged and that some fees had already been paid. The Counterclaim is in respect of charges for cleaning undertaken by the Respondents and amounts to £3,256.00.
4. On 14 March 2024, District Judge Bell made an order transferring the proceedings to the tribunal. The tribunal was to deal with the issue of reasonableness and payability of the Service and Administration Charges. The tribunal would also consider the Counterclaim as it may be a set-off against the payability of the claim.
5. On 20 March 2024 Judge Martyński made Directions which required parties to exchange evidence and the matter was listed for a final hearing on 19 July 2024. In particular, the Directions required the Applicant by 5 April 2024 to deliver (by email) to the Respondent:
 - a. A full breakdown of all charges claimed
 - b. Service charge accounts for the period in issue
 - c. Copies of relevant invoices (including the demands for each Administration Charge claimed)
6. Despite the tribunal contacting the Applicant's representative, the Applicant did not comply with the Directions and did not provide any explanation to the tribunal as to why the Directions were not complied with.
7. The Applicant did not attend the final hearing on 19 July 2024 and did not provide the tribunal with any explanation.
8. Siamak Niazi Jorfi attended the hearing on behalf of the Respondents and confirmed that he had not been sent any documentation by the Applicant as required by the Directions and had not had any further contact.

Further Direction Made by the Tribunal

9. On 19 July 2024 the tribunal made a further direction that the Applicant's Representative PDC Law shall by 4pm on **5 August 2024** explain by email to this tribunal why the Directions made on 20 March 2024 had not been complied with. However, the tribunal has received no reply.

10. The tribunal therefore returns this case to the County Court in light of the lack of engagement from the Applicant. The Tribunal has no jurisdiction over county court costs and fees, and therefore returns the matter back to Clerkenwell and Shoreditch County Court to make any further orders.

Tribunal Judge MacQueen

17 September 2024