

**Case reference**

**Property**

**Applicants**

**Representative**

**Respondent**

**Representative**

**Type of application**

**Tribunal members**

**Venue**

**Date of Hearing**

**Date of Decision**

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

**CHI/OOMR/LAC/2024/0001, and**

**CHI/LSC/2024/0008**

**5 Duncan Road, Southsea, Hampshire,** **PO5 2QT**

**Joseph Walshe**

**In Person**

**Assethold Limited**

**Eagerstates Limited**

**Determination of liability to pay and reasonableness of service charges Section 27A Landlord and Tenant Act** **1985**

**Valuer Chair R Waterhouse FRICS,** **Mr Bruce Bourne MRICS**

**Havant Justice Centre**

**8 November 2024**

**8 November 2024**

**DECISION**

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**DECISION OF THE TRIBUNAL:-**

**Procedural History**

Background

 1. The Applicant seeks determination of liability to pay and reasonableness of service charges for an unknown period, for a sum of £1465.00, by application dated 15 January 2024. The Application also applied for Section 20C of the Landlord and Tenant Act 1985 which seeks an order that costs incurred in connection with proceedings before the tribunal in respect of the service charge cannot be passed onto the leaseholder. Further included was an Application under paragraph 5A of Sch 11 of the Commonhold and Leasehold Reform Act 2002, for the tribunal to make an Order to prevent any administration charges in respect of the litigation costs, being passed onto the leaseholder.

2. A second Application was made, heard with the first, for determination as to liability to pay an administration charge. This application also included a request for an Order under Section 20C Landlord and Tenant Act 1985 and Paragraph 5A of Schedule 11 Commonhold and Leasehold Reform Act 2002 to prevent costs incurred by the landlord being passed back to the leaseholder.

3. The Tribunal issued directions on the 16 July 2024 inviting the parties to a Case Management Hearing on Friday 13 September 2024. The Directions requested that the parties send to the Tribunal by 30 August 2024 a position statement.

4.The Tribunal Case Management and Dispute Resolution Hearing took place on the 13 September 2024. The Applicant attended having previously complied with the Directions in submitting the required position statement.

5. The Respondent did not submit a position statement nor attended the hearing.

6. Directions were issued following the Case Management and Dispute Resolution hearing, requiring the Applicant to submit items specified in the directions to the Respondent by 27 September 2024. The Respondent was required by 11 October 2024 to similarly submit items specified by the Directions to the Applicant. Finally, the Applicant had a right of reply to the Respondent by 18 October 2024. The Applicant being responsible for the preparation and submission of the bundle to the tribunal by 25 October 2024.

7. An Application was made by the Applicant dated 17 October 2024 for the barring of Eagerstates Ltd and Assethold Limited from the Tribunal process following their failure to comply with Directions and requesting attendance at

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the Case Management and Dispute Resolution hearing. Also, failure to comply with the Directions dated 13 September 2024.

8.Further Directions were issued by Judge Lumby on 25 October 2024. The Directions at para 11 noted that by 4pm on 7 November 2024, the Respondent shall send to the Tribunal and the Applicant any representations it wishes to make as to why it failed to comply with the Tribunals Directions. Further it should also address, to the tribunal, why they should not be barred from further participation in these cases and any responses or submission made by it disregarded.

9. Noting at para 12 , “The judge chairing the hearing on 8 November will as a preliminary issue make a decision as to whether and the extent to which the Respondent is entitled to participate in these cases, if at all. “

10. The Tribunal confirmed that no submissions had been received by the tribunal prior to the commencement of the hearing at 10:00am on 8 November 2024

11. The Tribunal in the absence of adherence to the Directions bars the Respondent from the proceedings.

**Substantive issue.**

12. The Applicant explained they had purchased the property in June 2022. The property is a leasehold house on a 125-year lease from 9 February 2018. Prior to this in May 2021 the building was subject to a Right to Manage Order.

13. The property is one of five properties in the development all leasehold four flats and one house.

14. The Respondent had claimed by letter dated 28 November 2023 that the Applicant owned £1465.00 for “Amount outstanding from previous account”. No further details were forthcoming to explain the item. In the absence of any information concerning this item the tribunal disallows the item.

15.The second item on the letter of the 28 November 2023 was “ground rent due for period January-December 2024 £200.00. The Tribunal has no jurisdiction relating to ground rents and does not consider the item.

15. The next item is described as “admin costs for collection of ground rent £60,00”. The Applicant contended that there were no provisions within the lease that permitted the Respondent to claim this figure in relation to the collection of ground rent, The Tribunal concurs and the amount is disallowed.

**Application for Section 20 C Landlord and Tenant Act 1985**

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The Applicant made an application under this provision. The Respondent has failed to engage with the process, failing to comply with any of the Directions, the Tribunal therefore makes an order under Section 20c preventing any costs incurred by the Landlord in these proceedings being levied on the Applicant,

**Application under paragraph 5A of Sch 11 of the Commonhold and** **Leasehold Reform Act 2002.**

The Applicant made an application under this provision for the Tribunal to make an Order to prevent any administration charges in respect of the litigation costs, being passed onto the leaseholder.

The Respondent has failed to engage with the process, failing to comply with any of the Directions, the Tribunal therefore makes an order under paragraph 5A of schedule 11 of the Commonhold and Leasehold Reform Act 2002. preventing any administration costs incurred by the landlord in these proceedings being levied on the applicant,

**RIGHTS OF APPEAL**

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written Application by email to rpsouthern@justice.gov.uk to the First-tier Tribunal at the Regional office which has been dealing with the case.

2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.

3. If the person wishing to appeal does not comply with the 28-day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.

4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking. 7

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