



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

Case reference : **LON/00AN/LSC/2024/0123**

Property : **Flat 5, Q Block, Peabody Estate, Fulham
Palace Road, London W6 9QU**

Applicant : **Ivan Ghiosso**

Respondent : **Peabody Trust**

Representative : **N/A**

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

Tribunal members : **Judge Tagliavini
Mrs S Redmond MRICS**

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

Date of decision : **25 February 2025**

DECISION

The tribunal's summary decision

- (1) The tribunal determines that the difference of £560.43 between the estimated and actual block electricity costs is unreasonable and not payable by the applicant.
 - (2) The tribunal makes an order requiring the respondent to reimburse the applicant the £100 application fee paid with 14 days of the date of this decision being sent to the parties.
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The application

1. This is an application made pursuant to s.27A of the Landlord and Tenant Act 1985 in which the applicant seeks the tribunal's determination as to the reasonableness of a balancing charge of £611.40 for the service charge year ended 31 March 2023.

Background

2. In support of the application the tenant provided supporting documentation establishing the application of the balancing charge to his service charge account. The subject property at **Flat 5, Q Block, Peabody Estate, Fulham Palace Road, London W6 9QU** ('the flat') is a 2 bedroom flat in a purpose built block of 10 flats on 4 floors.
3. The applicant holds a leasehold interest subject to an assignment dated 22 August 2016 of the lease dated 14 March 2008 granting a term of 125 years with effect from 1st January 2005.
4. Directions were given by the tribunal in which it was directed a paper determination would be made. Subsequently, the respondent was debarred from defending the application by an order of the tribunal dated 27 January 2025. No application to set this decision aside was made by the respondent.
5. Therefore, the application was determined by the tribunal on the basis of the documents provided by the applicant only.
6. The applicant asserted that the balancing charge of £611.40 for service charges in 2022/2023 represent electricity charges which are disproportionate to the size of the block which uses electricity to light its communal areas only. Therefore, even when taking into account the increase in electricity costs the balancing charge is excessive and unreasonable.
7. The tribunal was provided with a copy of a letter dated 13 October 2023 informing the applicant of the actual service charges for the year 1 April 2022 to 31 March 2023 which showed a balancing charge due of £611.40. This

statement also showed an estimate charge for block electricity charges of £60.00 and an actual charge of £620.43 leaving a difference of £560.43. There were a few other differences in estimated and actual costs for a number of other items of minimal value, with the exception of £111.92 actual costs of bulk refuse disposal as against the estimated costs of £10.64. Although this specific item was not challenged by the applicant.

The tribunal's reasons

8. The applicant's lease requires the applicant to contribute in the specified percentage to the sum of The Estate Service Charge and the Building Service Charge. The lease provides for the landlord to amend estimated service charges to reflect the actual costs incurred including the costs of services e.g. electricity provided to the Estate, the Building and the Common Parts.
9. However, in the absence of any explanation by the respondent for the substantial increase in block electricity costs, the tribunal determines the excess of £560.43 is unreasonable and is not payable by the applicant.
10. The tribunal consider it appropriate to and makes an order requiring the respondent to reimburse the applicant with the cost (£100) of making the application within 14 days of this decision being sent to the parties.

Name: Judge Tagliavini

Date: 25 February 2025

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).