



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

Case Reference : **MAN/ooCA/LSC/2023/0078**

Property : **Flat 7, Kenworthy's Flats, Southport, PR9 0DW**

Applicant : **Barbara Debra Godfrey**

Representative : **N/A**

Respondent : **Kenworthy's Mansion Management Ltd**

Representative : **Cockshott Solicitors**

Type of Application : **Landlord and Tenant Act 1985 – s 27A**

Tribunal Member : **Judge James-Stadden**

Date of Decision : **25 March 2024**

DECISION

DECISION

- 1. Kenworthy's Mansion Management Limited is substituted as the Respondent to the application in place of Kathryn McGregor, Nicholas Kenlay and Christine Chantoin, all of whom are removed as respondents.**
- 2. Upon the Respondent conceding that the sum of £2,676.00 should not have been levied to the Applicant's service charge account, and upon it confirming that that sum has been removed from that account, these proceedings are concluded.**
- 3. The Respondent shall reimburse the Tribunal issue fee of £100 to the Applicant within 14 days of the date upon which this decision is issued to the parties.**

REASONS

1. The Applicant is the leaseholder of Flat 7, Kenworthy's Flats, Southport, PR9 0DW. By an application dated 26 September 2023, the Applicant issued proceedings against Kathryn McGregor, Nicholas Kenlay and Christine Chantoin for a determination as to whether a service charge of £2,676.00 which had been levied to her account in 2023 was payable and/or reasonable.
2. By emails dated 08 February 2024, Darren Norris of Complete Property Management Ltd emailed the Tribunal on behalf of the named Respondents to confirm that "the charge [had been removed] from the [Applicant's] service charge account" and that they "agreed to concede to the Applicant and the Tribunal [having] been advised by a solicitor that the cost should not be [a] service charge". The email went on to say that the named Respondents would "follow legal advice in terms of the next step to recover the cost of the environmental clean and air testing", stating that it was "due to a breach of the lease".
3. In a further email dated 12 February 2024, Mr Norris offered to reimburse the Applicant for the Tribunal fee of £100.
4. In response, the Applicant indicated that she wished to be heard by the Tribunal, due to the indication that further action might yet be taken to recover the sum of £2,676.00 from her.
5. A video hearing was held on 25 March 2024, which the Applicant attended with the support of a friend, Ms McDonagh. Ms McGregor was also in attendance and was represented by Mr Ford, a solicitor.
6. In the first instance, having heard from the parties, it was established that the correct Respondent to the application is in fact Kenworthy's Mansion Management Limited, the management company in respect of the Applicant's lease. Accordingly, Kenworthy's Mansion Management Limited is substituted as the Respondent to the application and Kathryn McGregor, Nicholas Kenlay and Christine Chantoin are removed as respondents.

7. Secondly, Mr Ford confirmed that the concession made in Mr Norris's email of 08 February 2024 was limited to a concession that the £2,676.00 should not have been levied by way of a service charge to the Applicant's account but that the Respondent was reserving its right to pursue recovery of that sum by other means, such as County Court proceedings. He further confirmed that, to date, no such proceedings have been instituted.
8. In light of the concession by the Respondent that the sum of £2,676.00 should not have been levied against the Applicant's service charge account, and its confirmation that that charge has now been removed from her account, the Applicant's application has effectively succeeded, such that there are no issues for the Tribunal to determine and these proceedings are concluded.
9. The Applicant remains concerned that further action may be taken against her but it was emphasised to her both by the Tribunal and Mr Ford that, in that event, she would be entitled to lodge a defence to any such proceedings, should she choose to do so.
10. The Tribunal directs that the Respondent reimburse the Tribunal issue fee of £100 to the Applicant, and it was confirmed on behalf of the Respondent that this can be done within 14 days.

Judge James-Stadden
25 March 2024