



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

Tribunal Case reference : **LON/00AU/LSC/2024/0734**

Claim Number : **L4QZoZ39**

Property : **Flat 58, Prospect House, Donegal Street,
N1 9QD**

Applicant : **Peabody**

Respondent : **Francisca Okeneme**

Type of application : **Transfer from County Court – Service
and Administration Charges**

Tribunal : **Judge N Carr**

Date of order : **25 April 2025**

DETERMINATION AND TRANSFER BACK TO COUNTY COURT

Order

1. The service/administration charge sums claimed in claim **L4QZoZ39** are not payable.
2. Transfer claim number **L4QZoZ39** back to the County Court at Clerkenwell and Shoreditch, pursuant to rule 6(3)(n) of the Tribunal Procedure (First Tier Tribunal) (Property Chamber) Rules 2013

Reasons

- A. This claim was transferred to the Tribunal by District Judge Beecham on 13 November 2025, for determination of whether the service/administration charges claimed are reasonable/payable.
- B. The claim form identifies that the Claimant/Applicant was to provide fully pleaded Particulars of Claim within 14 days of its being provided to

the County Court and Defendant/Respondent. No such appear on the Court file, nor have been received by the Defendant/Respondent.

- C. By directions dated 3 December 2024, Deputy Regional Judge Martynski required the Claimant/Applicant as follows:

Initial disclosure of information and clarification of claim

3. The Applicant must by **30 December 2024** deliver (by email) to the Respondent the following documents:

- A breakdown of the claim
- Service Charge accounts for the periods in question
- Copies of all relevant demands
- The Respondent's running Service Charge account.

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The Applicant's Reply

6. The Applicant must by **21 February 2025** deliver (by email) to the Respondent and to the tribunal the form completed by the Applicant with its replies to the issues raised.
7. If the Applicant wishes to rely on any documents not already seen by the Respondent, copies of any such documents must be delivered (by email) to the Respondent at the same time.

Witness statements

8. If any party wishes to rely upon a witness, a summary of that witnesses' evidence must be set out in a statement (which must contain paragraph numbers for each paragraph) and must deliver any such witness statements (by email) to the other party by no later than **14 March 2025**.

- D. Judge Martynski also set the matter down for hearing on 4 April 2025. By covering letter sending the directions to the Claimant/Applicant, the Claimant/Applicant was therefore required to pay a hearing fee of £220 within 14 days, and warned that a failure to do so might result in the application being deemed withdrawn pursuant to rule 11(3) Tribunal Procedure (First Tier Tribunal) (Property Chamber) Rules 2013 ('the Rules').
- E. On 4 December 2024, the Tribunal received an automatic response from the Claimant/Applicant's email address, acknowledging receipt of the Tribunal's email.

F. By application dated 20 March 2025, the Defendant/Respondent notified the Tribunal that the Claimant/Applicant had failed to comply with the directions, and sought a strike out.

G. By order dated 21 March 2025, Judge Martynski directed as follows:

3. The Applicant must, by no later than **4 April 2025**;
- (a) Comply with direction 3 of the directions dated 3 December 2024, and;
- (b) Provide an explanation for its failure to comply with directions to date
4. The case will be referred back to a Judge after 4 April 2025 and a decision will be made as to the future conduct of the case.

H. The Claimant/Applicant has not responded.

I. By further application to strike out dated 7 April 2025, the Defendant/Respondent seeks striking out of the Claimant/Applicant's claim on grounds of the Claimant/Applicant's failure to comply.

J. Pending the agreement of a new practice direction for deployment, this Tribunal has no jurisdiction to consider matters that are to be determined by the County Court. The Tribunal's jurisdiction on transfer is limited as set out in section 231B of the Housing Act 2004.

K. The Tribunal is not able to strike out the claim, as it is only able to determine the payability of service charges under section 27A of the Landlord and Tenant Act 1985 or administration charges under schedule 11 of the Commonhold and Leasehold Reform Act 2002. Matters of interest and costs, pleaded on the claim, are for the County Court alone - even if as a consequence of the Tribunal's payability decision no interest or costs would be awarded.

L. Pursuant to rule 8(2) of the Rules, the Tribunal may take any action it considers just where a party has failed to comply with a direction.

M. I consider that it is just, in all the circumstances, to summarily determine that the sums for service/administration charges claimed by the Claimant/Applicant are not payable, on the basis that the Claimant/Applicant is unwilling or unable to establish its claim on the balance of probabilities.

N. This matter will now be returned to the County Court at Clerkenwell and Shoreditch for it to take whatever action it considers appropriate on the remaining elements of the claim.

Name: Judge N Carr

Date: 25 April 2025

ANNEX - 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. Any appeal in respect of the Housing Act 1988 should be on a point of law.

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