



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

Case reference : LON/00BB/LSC/2024/0302

Property : Flat 21, Wall End Court, Wall End Road,
London E6 2NW

Applicant : TAYLORS SURVEYORS LIMITED

Representative : N/A

Respondent : Mr. MAHESWARAN MARKANDU

Representative : (Assisted by his wife and daughter)

Type of application : An application under section 27A
Landlord and Tenant Act 1985

Tribunal : JUDGE J MOATE, MRS CRANE (MCIEH)

Date of Order : 22 October 2025

DECISION

Decisions of the tribunal

- (1) The Tribunal refuses the Applicant's request to postpone the hearing.
- (2) The Applicant's application under section 27A Landlord and Tenant Act 1985 is struck out.
- (3) Since the Tribunal has no jurisdiction over county court costs and fees, this matter should now be referred back to the County Court at Clerkenwell and Shoreditch.

The Application

1. The Applicant seeks a determination pursuant to s.27A of the Landlord and Tenant Act 1985 (“the 1985 Act”) as to the amount of service charges payable by the Respondent in respect of the service charge years 2017-2023.
2. Proceedings were originally issued in the Civil National Business Centre under claim no. K7QZ7K9Y for the amount of £29,836.41 plus costs of £1,491.82. The Respondent admitted the sum of £8,203.33 but disputed the balance. The claim was transferred to the County Court at Clerkenwell and Shoreditch for determination. On 03 June 2024 District Judge Beecham gave judgment for the admitted sum of £8,203.33 and transferred the balance to this Tribunal for a determination as to reasonableness.

The background

3. The property which is the subject of this application is Flat 21, Wall End Court, Wall End Road, London E6 2NW (“the Property”). The Applicant is the landlord and the Respondent is the tenant under a long lease which requires the Applicant landlord to provide services and the tenant to contribute towards their costs by way of a variable service charge. The Tribunal has not seen a copy of the Lease.

The directions

4. A face-to-face case management hearing took place at the Tribunal on 15 July 2025 attended by Mr E Taylor for the Applicant and the Respondent in person, assisted by his wife and a friend.
5. Directions were drawn up in consultation with those attending. The Tribunal identified the following issues to be determined:
 - whether the landlord has complied with the consultation requirement under section 20 of the 1985 Act
 - whether the works are within the landlord’s obligations under the lease/ whether the cost of works are payable by the leaseholder under the lease
 - whether the costs are payable by reason of section 20B of the 1985 Act
 - whether the costs of the works are reasonable, in particular in relation to the nature of the works, the contract price and the supervision and management fee
 - whether an order under section 20C of the 1985 Act and/or paragraph 5A of Schedule 11 to the 2002 Act should be made
 - whether an order for reimbursement of application/ hearing fees should be made

6. Judge Shaw noted that both parties said they would be prepared to attempt settlement by mediation; the Tribunal's mediation service was offered as a way of resolving the dispute. The parties did not take up this offer.
7. Judge Shaw gave full directions as to what preparation was required for the final hearing, summarised below:

Disclosure – Applicant to provide all relevant service charge accounts, estimates, demands for payment and payments made **by 25 July 2025**.

The tenant's case – Respondent to provide a schedule of items in dispute, copies of alternative quotes and any other documents or statements relied upon **by 15 August 2025**.

The landlord's case – Applicant to respond to the schedule of items in dispute, copies of alternative quotes and any other documents or statements relied upon **by 12 September 2025**.

Documents for the hearing – Applicant to prepare a digital hearing bundle to be sent to the Tribunal and all other parties **by 10 October 2025. The hearing was listed on 20 October 2025**.

8. The order contained the following warning:

Non-Compliance with Directions

20. If the applicant fails to comply with these directions the tribunal may strike out all or part of their case pursuant to rule 9(3)(a) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 ("the 2013 Rules").

21. If the respondent fails to comply with these directions the tribunal may bar them from taking any further part in all or part of these proceedings and may determine all issues against it pursuant to rules 9(7) and (8) of the 2013 Rules.

The hearing

9. On 13 October 2025, 7 days before the hearing, the Tribunal sent the parties an email asking why they had not complied with the directions and what steps they proposed to take to comply with the directions to ensure the hearing date was not affected. The Tribunal warned the parties that if they failed to respond to the letter, the Tribunal may issue a notice to strike out the case or bar the parties from taking further part in the proceedings.

10. The Tribunal did not receive a response to that email. The Tribunal decided to go ahead with the hearing to find out what was happening and make any appropriate orders at that stage.
11. The weekend before the hearing, the parties sent various emails to the Tribunal, which were not processed until the morning of the hearing on 20 October 2025. The emails were as follows:
 - Email from the Applicant dated 17 October 2025 at 14:33 from Mr Elliot Taylor stating that he had just returned from hospital following an extended stay in intensive care due to complications after his wife giving birth and that he needed to be able to care for his wife and newborn child. He said he had been unable to communicate and deal with the matter in the last few weeks due to the severity of the situation and asked for the hearing to be postponed. No medical evidence was provided relating to his wife's/child's condition or supporting that the Applicant could not take part in the hearing due to medical reasons.
 - Email dated 18 October 2025 at 19:14 from Mr Markandu (Respondent) with a skeleton argument and attached schedule and photograph in which he referred to his health challenges, his disability and his inability to work or travel independently, preventing him from visiting the Property.
 - Email from the Respondent dated 19 October 2025 at 18:32 expressing concerns about the condition of the flat with attached photographs.
12. The hearing took place on 20 October 2025. The Applicant did not attend. The Respondent attended, accompanied by his wife, Mrs Jothinaden and his daughter, Ms Maheswaren. Ms Maheswaren translated for the Respondent from English to Tamil. The Tribunal asked if the Respondent needed any adjustments so that he could participate in the hearing, given his disability. He said he could not see in his left eye and he had balance issues – he had fallen on his way to the Tribunal. However, he was happy to proceed with the hearing with the assistance of his wife and daughter and did not need any further adjustments.
13. The Tribunal referred the Respondent to the emails received from both parties in advance of the hearing. The Respondent indicated that he had seen the email from the Applicant dated 17 October 2025.
14. The Tribunal asked the Respondent what, if any compliance there had been with the directions since the last hearing. The Respondent said they had received a schedule from the Applicant setting out the “Accumulative cost” allegedly due from 2015 to 2024. The Respondent had entered comments in the “Tenant’s Comments” box disputing these charges, which they had sent to the Tribunal and the Applicant on 14 August 2025.

15. Apart from that document, there had been no correspondence or disclosure from the Applicant. The Respondent had received none of the documents required to be sent by the Applicant by 25 July 2025 pursuant paragraph 2 of Judge Shaw's order.
16. The Respondent said that he was not prepared to pay the requested amounts as he had not received a breakdown of the costs. The Respondent was also concerned about the condition of the property.
17. In respect of the Applicant's request to postpone the hearing, the Respondent opposed this. The Respondent submitted that the Applicant had had three months to provide the relevant documents and that it was difficult for the Respondent to attend the hearing given his disability and the length of time taken to travel there. The Respondent simply wanted the matter to be resolved.
18. After the hearing the Tribunal received a further email from the Applicant timed 09:48 repeating his request for a postponement due to the medical emergency. Again, no medical evidence was attached, nor was there any indication that such medical evidence might be obtained.

The application to postpone/strike out

19. Having read the emails from the Applicant and having heard the oral submissions from the Respondent, the Tribunal has made the following determination.

The tribunal's decision

20. The Tribunal refuses the Applicant's request to postpone the hearing.
21. The Applicant's application under section 27A Landlord and Tenant Act 1985 is struck out.

Reasons for the tribunal's decision

22. The Tribunal has the power to postpone a hearing under its case management powers at Tribunal Rule 6(3)(j). In considering whether it would be appropriate to postpone, the Tribunal must seek to give effect to the overriding objective under Tribunal Rule 3, in particular dealing with a case fairly and justly, which includes:

(a) dealing with the case in ways which are proportionate to the importance of the case, the complexity of the issues, the anticipated costs and the resources of the parties and of the Tribunal;

- (b) avoiding unnecessary formality and seeking flexibility in the proceedings;*
- (c) ensuring, so far as practicable, that the parties are able to participate fully in the proceedings;*
- (d) using any special expertise of the Tribunal effectively; and*
- (e) avoiding delay, so far as compatible with proper consideration of the issues.*
23. Pursuant to Tribunal Rule 34, if a party fails to attend a hearing the Tribunal may proceed with the hearing if the Tribunal—
- (a) is satisfied that the party has been notified of the hearing or that reasonable steps have been taken to notify the party of the hearing; and*
- (b) considers that it is in the interests of justice to proceed with the hearing.*
24. The Tribunal also has the power to strike out a party's case pursuant to Tribunal Rules 8 and 9 where there is a failure to comply with rules, practice directions or Tribunal directions. In particular, under Tribunal Rule 9:
- (3) The Tribunal may strike out the whole or a part of the proceedings or case if—*
- (a) the applicant has failed to comply with a direction which stated that failure by the applicant to comply with the direction could lead to the striking out of the proceedings or case or that part of it;*
- (b) the applicant has failed to co-operate with the Tribunal such that the Tribunal cannot deal with the proceedings fairly and justly*
25. The Tribunal decided to proceed with the hearing in the Applicant's absence as it was satisfied that the Applicant had been notified of the hearing and that it was in the interests of justice to deal with the question of strike out and the Applicant's belated request to postpone the hearing.
26. The Tribunal decided to deal with the postponement request and the strike out consideration together, as the two issues are linked.
27. The Applicant has failed to comply with any of Judge Shaw's directions, meaning that no progress has been made in this application since 15 July 2025. In particular, the Applicant has failed to disclose the relevant service charge accounts and estimates for the years in dispute, together

with all demands for payment of service charges and the details of any payments made. Without these, the application cannot get off the ground.

28. Furthermore, the Applicant has not communicated with the Respondent or the Tribunal to explain why he has not complied with the directions or to seek an extension of time. His emails dated 17 and 20 October 2025 state that he has not been able to deal with the matter over the past few weeks and cannot attend the hearing on 20 October due to a medical emergency. This does not explain the Applicant's failure to comply with the court directions since 15 July 2025 and importantly, why he has not disclosed the relevant service charge accounts, estimates, demands for payment and payments made, which lie at the heart of this case.
29. The Tribunal has been provided with no medical evidence supporting that the Applicant is unable to attend or prepare for the hearing due to a medical emergency. The Tribunal noted that his email of 17 October 2025 indicated that he had returned home and that any illness related to his wife/child.
30. The Tribunal considers that the complete failure by the Applicant to co-operate with the Tribunal is such that the Tribunal cannot deal with the proceedings fairly and justly.
31. The Applicant was warned in Judge Shaw's directions that his failure to comply with Tribunal's directions could lead to his application being struck out. The Applicant was further warned in the Tribunal's letter dated 13 October 2025 that his failure to explain why he had not complied with the Tribunal's directions could lead to his case being struck out.
32. The Tribunal considers that the Applicant's emails dated 17 and 20 October 2025 seeking a postponement of the hearing are too little too late and do not adequately explain the lack of compliance since July 2025.
33. Applying the overriding objective, the Tribunal considers that it would not be proportionate to "start again" at the disclosure stage, after the trial date has passed. The Tribunal further considers that it would not be an appropriate use of the Tribunal's resources to re-list the matter for trial, especially in circumstances where the Tribunal has been given no assurance that the Applicant will comply with the directions a second time round. The Applicant has had plenty of opportunity to put his case, participate in the proceedings and/or to resolve this issue, including the option of mediation. He could have asked the Tribunal for additional time to comply with the directions and to move the trial date, but he has failed to do so. Emailing the Tribunal on the Friday afternoon before the hearing on Monday morning requesting a postponement without more, is inadequate. The Tribunal's resources have been wasted and the

Respondent, who is disabled, has been put to the inconvenience of attending a non-effective hearing with his wife and daughter.

The next steps

34. The Tribunal has no jurisdiction over ground rent or county court costs. This matter should now be returned to the County Court at Clerkenwell and Shoreditch.

Name: Judge Moate

Date: 22 October 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).