



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

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| Case reference | : LON/ooBA/LRM/2025/0028 |
| Property | : 105 Hamilton Road, London SW19 1JG |
| Applicant | : 105 Hamilton Road RTM Company Limited |
| Representative | : Ms Erica Fiallos (Director) |
| Respondent | : Assethold Limited |
| Representative | : Eagerstates Limited (Mr Ronni Gurvits) |
| Type of application | : For a determination of the sum of accrued uncommitted service charges payable by the Respondent to the Applicant section 94(3) of the Commonhold and Leasehold Reform Act 2002 |
| Tribunal Member | : Deputy Regional Judge N Carr |
| Date of Notice | : 21 November 2025 |

DEBARRING ORDER AND DETERMINATION

ORDER

- (1) The Respondent is barred from further participation in the application for determination of the sum of the accrued uncommitted service charge payable to the Applicant, pursuant to rule 9(3)(b) Tribunal Procedure (First Tier Tribunal) (Property Chamber) Rules 2013.
- (2) The whole of the sums held by the Respondent in the service and reserve fund accounts for the property, on the date of acquisition of the right to manage (i.e. 25 July 2025), are payable to the Applicants by **4pm on 11 December 2025 without deduction**.

REASONS

- A. This order should be read together with the order and reasons given in the connected application for disclosure pursuant to section 107(1) Commonhold and Leasehold Reform Act 2002, of the same date.
- B. The property is a building containing two residential flats on the first and second floors, and a commercial unit at ground level. Ms Fallios is the long-leaseholder of Flat 2. The other long-leaseholder is Mr Allan Meldrum (Flat 1). Together, they formed the Applicant right to manage company.
- C. A claim notice in respect of the property, dated 13 March 2025, was given to Assethold Limited, Eagerstates Limited, and Mr Ronni Gurvits by first-class post on 14 March 2025. The leaseholders of the ground floor unit were also given a copy of the notice.
- D. By email dated 15 March 2025, Scott Cohen solicitors made a number of enquiries that were responded to on 27 March 2025 by the Applicant's then-representative, The Leasehold Advice Centre. There was no further response and no counternotice.
- E. The date of acquisition specified in the claim notice was 25 July 2025. By reason of the lack of counternotice, the Applicant acquired the right to manage on that date by operation of law.
- F. By application dated 5 August 2025, the Applicant sought order both under section 94(3) and section 107 Commonhold and Leasehold Reform Act 2002 ('the Act').
- G. On 8 September 2025, the Tribunal gave Directions for both parties in relation to those applications.
- H. By paragraph (8) of those Directions, the Tribunal identified the documents sought by the Applicant by its section 93 Notice given to the Respondent on 30 May 2025, to which the Applicant received no response.
- I. By direction 2 of those Directions, the Tribunal required the Respondent to give disclosure to the Applicant of documents including those set out by the Applicant identified in paragraph (8) therein, as follows:

Respondent's Statement of Case

- 2. *By 4pm on 6 October 2025 the Respondent must send to the Applicant by email a full **Statement of Case** in response to the application, which must include the following:*
 - (a) (i) *A copy of the **buildings insurance policy** or summary of cover, a copy of the current schedule and*

evidence of payment of the premium for the current year

- (ii) Brief details of the **claims history** for the last 3 years;
- (b) **Service charge accounts** for the past three years;
- (c) **A full summary of the service charge account as at the date the Applicant acquired the right to manage**, including full details of the amount held;
- (d) Interim accounts for the period from December 2024 to 25 July 2025 (if not finalised and disclosed in accordance with paragraph (c) above);
- (e) Details of any **reserve funds** held on account in respect of each flat;
- (f) Details of any **monies held on account** which have not been expended;
- (g) **Bank account statements for the 12-month period** pre-dating acquisition of the right to manage;
- (h) All relevant **correspondence**;
- (i) A statement setting out any submissions the Respondent relies on. In particular, the Respondent must:
 - (i) Identify which **sums it accepts are due to the Applicant**;
 - (ii) Identify any service charges which the Respondent says are **committed, and therefore not payable** to the Applicant under section 94(3) of the Act;
 - (iii) identify the **percentages of service charges payable in respect of each flat** contained at the premises;
- (iii) set out the **facts and legal arguments** on which it relies, enclosing copies of any case law which it requires the Tribunal to take into account, in making its determination;
- (j) Any **witness statement**(s) of fact on which the Respondent relies (witness statements should identify the name and reference number of the case, have numbered paragraphs and end with a statement of truth and the signature of the witness. Original witness statements should be brought to the hearing. In addition, witnesses are expected to attend the hearing to be cross-examined as to their evidence, unless their statement has been agreed by the other party); and
- (k) All other **documents** on which it relies.

- J. The Respondent failed to comply, and the Applicant sought a debarring order on 13 October 2025, citing the Respondent's failure. The Respondent also did not reply to that application.
- K. By two Notices, each dated 20 October 2025, the Tribunal indicated (1) its intention to debar the Respondent from further participation in the accrued uncommitted service charges application, and (2) its intention to make an order under section 107(1) and (3) of the Commonhold and Leasehold Reform Act 2002, on the Respondent's failure to provide the documents reasonably required by the Applicant by its section 93 Notice given on 30 May 2025.
- L. The Tribunal observed in its reasons:

The documents are ones the Applicant is entitled to. They have been required to be given to the Applicant since June 2025. The Respondent has now failed to comply with the Applicant's statutory notice and the Tribunal's own directions. These are documents that the Applicant requires for the proper ongoing management of the premises over which it has acquired the right to manage, in the exercise of which it is being obstructed by the Respondent's non-compliance.

- M. The Respondent's response was required by 4pm on 4 November 2025.
- N. By application for an 'extension of time' received in the afternoon of 4 November 2025, after a series of emails from 4pm 3 November 2025 in which Mr Gurvits on behalf of the Respondent sought to persuade the case officer that the two orders were contradictory and that the Respondent could not answer until the case officer confirmed which was the correct to answer, Mr Gurvits sought an order as follows (in bold):

6. BRIEF DESCRIPTION OF THE APPLICATION OR REQUEST AND THE ORDER THAT YOU WISH THE TRIBUNAL TO MAKE (ie postponement, extend/vary/amend directions, debar evidence)

extension of time to provide response

7. GROUNDS/REASONS FOR APPLICATION OR REQUEST

there are 2 sets of directions which in essence are contradictory. It is not clear which is correct. We require clear directions and then an extension of time to comply with any direction

- O. Those were the full contents of the application.
- P. By its order dated The Tribunal found that the Respondent's conduct in the extension application was inhibiting the Tribunal from dealing with these proceedings fairly and justly. Nevertheless, it extended time for

compliance to 13 November 2025, subject to ‘unless’ provisions, as follows:

Unless by 4pm on Thursday 13 November 2025, the Respondent makes a full response to each of the two Notices dated 20 October 2025, as required by each order, by separate dated and signed witness statements in response addressing the Respondent’s various failures to comply with the Applicant’s section 93 notice and the Tribunal’s directions dated 8 September 2025, no further consideration will be given to the Respondent’s responses and the debarring and compliance orders will be determined absent them.

- Q. The Respondent has made no response.
- R. The unless order has therefore taken effect.

Debarring

- S. The Respondent has had three opportunities from the Tribunal to comply with the directions as required, in addition to the original section 93 notice requiring much of the disclosure identified.
- T. The Respondent’s conduct is contemptuous of both the Tribunal and the leaseholders, and is either designed to or has the effect of frustrating the Applicant from exercising its legal rights.
- U. The Respondent therefore stands debarred from participation in the application for determination of the accrued uncommitted service charges.

Accrued uncommitted service charges - Decision

- V. The Tribunal is therefore entitled to, and does, proceed to determine this issue summarily on the basis of the Applicant’s documents alone, pursuant to rule 9(8) of the Tribunal Procedure (First Tier Tribunal) (Property Chamber) Rules 2013.
- W. The Respondent’s conduct is not only contemptuous, but also self-defeating. The natural inference to be drawn, absent any explanation whatsoever from the Respondent, is that the Respondent’s refusal to comply is that it is unwilling or unable to do so.
- X. That inference is supported by a letter, submitted by the Applicant, from Eagerstates to the solicitors for Ms Fiallos’s co-director, Mr Meldrum. Mr Meldrum is trying to sell his Flat. In the letter dated 19 November 2025, as well as demanding £570 in “administration costs” in addition to £270 for preparing a Deed of Covenant”, Eagerstates demands “£15,222.15” which it says is an “outstanding amount”, for which it includes no demands, invoices, accounts or other proof that the sum is due, nor identification of what it is in connection with. On

querying from solicitors, those solicitors have been told that accounts “will be prepared”.

2. This Tribunal is not able to offer advice, as sought by the Applicant, as to what to do in what appears to be this ‘ransom’ situation. Mr Meldrum has his own solicitors to whom he should turn for advice.
3. It is open to this Tribunal to find, and it does find, however, that on the balance of probabilities, given the absence of any evidence whatsoever from the Respondent, its failure to respond to paragraph 2(i) of the directions dated 8 September 2025 in particular leads to the conclusion that there are **no sums** which are or were on 25 July 2025 committed in the reserve or service charge holdings for the property.
4. The difficulty the Tribunal has in ascertaining that sum is the Respondent’s abject refusal to comply with its directions to enable it to complete its task.
5. I therefore make the finding that the **whole of the sums held in the service and reserve fund accounts on 25 July 2025 are due and payable by the Respondent to the Applicant.**
6. In the event that the Applicant is enabled to find a more precise sum as a consequence of the Respondent’s compliance with the associated disclosure order under section 107(1) sent together with this decision, or any enforcement thereof in the County Court, I give them permission to apply to amend the sum in the order to a specified sum.
7. Any such application may be made by form order¹ using the current case number, explaining the request and providing any order of the County Court or written admission of the Respondent in which that sum is identified.

Disclosure Order

8. A separate order under section 107(1) of the Commonhold and Leasehold Reform Act 2002, enforceable in the county court, accompanies this Order. It continues to oblige the Respondent to take action.
9. If the Respondent failed to comply, the Tribunal will transfer it to the County Court to take action, which may include injunctive relief (failure to comply with which may well lead to contempt proceedings).

Name: Judge N Carr

Date: 26 November 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).