



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

Case reference	:	LON/00AD/LSC/2025/0741
Property	:	Flats 1 & 3, 96-98 High Street, Sidcup DA14 6DS
Applicant	:	Mr Matthew Jordan (leaseholder, Flats 1 & 3)
Representative	:	In person
Respondent	:	Selectpay (Sidcup) Limited
Representative	:	Mr Bijou Kalayil (on behalf of his wife, company director Mrs Alka Kalayil)
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	:	Deputy Regional Judge N Carr Mr M Bailey MRICS
Venue	:	10 Alfred Place, London WC1E 7LR
Date of decision	:	20 October 2025

DECISION AND REASONS

Decision

- (1) The Applicant's contribution to roof works is limited to £500.00.
- (2) The Respondent may not pass any costs of the Tribunal proceedings through the service charge and may not recover any such costs as an administration charge, pursuant to section 20C of the Landlord and

Tenant Act 1985 and paragraph 5A of Schedule 11 to the Commonhold and Leasehold Reform Act 2002 respectively.

Reasons

1. By application dated 31 March 2025, the Applicant sought a determination pursuant to s.27A of the Landlord and Tenant Act 1985 ('the 1985 Act') that, *inter alia*, £8,700.00 in respect of roof works carried out in or around February 2025, together with major works management fees in the sum of £840.00 were not payable and the Respondent is limited to recovery of £250 per flat due to failure by its then-Managing Agents, DVS Management Limited ('DVS') to consult in respect of those works.
2. While the application contained other matters, those matters are not such as fall within the Tribunal's jurisdiction in this application, which we informed the Applicant at the hearing on 25 September 2025.
3. At that hearing, as well as the Applicant, Mr and Mrs Kalayil were in attendance. Mrs Kalayil is a director of the Respondent, and her husband appeared as her representative. The other two directors are her brothers, who live abroad.
4. By the time of the hearing, the issues had narrowed, so that we are required only to determine whether the Respondent is limited to recovery of £250.00 per flat in respect of the 2023 roof works (the works management fee having been conceded).
5. Section 20 of the 1985 Act limits any "relevant contribution" by any leaseholder to qualifying works to the sum of £250 (if the cost of the works exceeds that amount per leaseholder), if the consultation requirements in the Service Charges (Consultation Requirements) (England) Regulations 2003 (as amended) ('the Regulations') have not been complied with and dispensation under section 20ZA of the 1985 has not been given.
6. In this case, the Applicant states that there was no consultation. The Respondent is therefore limited to recovery of £250 per flat as per section 20.
7. The Respondent says it is unable to demonstrate that any consultation was undertaken. DVS was managing on its behalf (but has since been dis-instructed as the Managing Agent). DVS has failed to respond to the Respondent's requests for any information. Although it has a record of DVS confirming to the Applicant that the works had been instructed, it has nothing else. The only other matter on which it can rely is correspondence from the Applicant in which he stated that he would not object to paying to the required roof works over flats 2 and 4, provided that the leaseholders of those flats pay their own contribution towards roof works undertaken by

the Applicant above flats 1 and 3 in 2020 (prior to the acquisition of the freehold by the Respondent). That proportion is said to be £4,476.00.

8. The Respondent accepts that the latter offer was not accepted so far as it is aware. It also accepts that it is not aware of dispensation from the consultation requirements having been sought or granted, whether prior to the works or subsequently.
9. While we have sympathy with the Respondent insofar as its attempts to contact DVS have been fruitless, nevertheless it is for the Respondent to hold its Managing Agent accountable for proper management, by putting into place proper requirements for the accountability of that agent. The Respondent put the management wholly in DVS's control and maintained no oversight of what DVS did as a consequence.
10. Lacking any evidence of consultation, or of dispensation from the requirements, and as indicated to the parties at the hearing, we must inevitably find that the Applicant's liability towards the roof works is limited per section 20 of the 1985 Act to £250 per flat.
11. The sum payable is therefore £500.00.
12. We consider it just and equitable also to make the requested orders pursuant to section 20C of the 1985 Act, and paragraph 5A of schedule 11 to the Commonhold and Leasehold Reform Act 2002, as sought in the application.

Name: Judge N Carr

Date: 20 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).