



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

**Case reference** : **HAV/24UM/LSC/2025/0721**

**Property** : **Flats at Banister Grange, Banister Road,  
Southampton, SO15 2JN**

**Applicant** : **Banister Grange RTM Company Ltd**

**Representative** : **Mr T Jenkins (Director)**

**Respondent** : **AAA Grange Park Limited  
AAA Banister Grange Limited**

**Representative** : **Miss Bleasdale of counsel**

**Type of application** : **Determination of the liability to pay  
service charges under section 27A of the  
Landlord and Tenant Act 1985**

**Tribunal members** : **Mr R Waterhouse FRICS  
Mr N Robinson FRICS  
Ms T Wong**

**Venue** : **Havant Justice Centre, Elmleigh Road,  
Havant, Portsmouth.**

**Date of hearing/  
decision** : **20 January 2026 /26 January 2026**

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**DECISION**

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**Decisions of the Tribunal**

- (1) **The tribunal dismisses the application received 6 August 2024, for determination of service charges in 2024 for major works.**

**(2) The tribunal adjourns the Respondent's application for costs under Rule 13 for later determination on the papers the Directions for which are made below.**

**Background**

1. The Applicant made an application received 6 August 2024, for determination of liability to pay and reasonableness of service charges for flats, unspecified within the application, for the service charge year 2024. The purpose of which was the monies to be paid in advance for works to replace the roof.
2. The Respondent further seeks orders pursuant to Section 20C of the Landlord and Tenant Act 1985 and paragraph 5A of Schedule 11 of the Commonhold and Leasehold Reform Act 2002.
3. Directions were given on 1 July 2025 listing the application for a case management and dispute resolution hearing on 25 July 2025 which was subsequently adjourned to 26 September 2025.
4. The hearing took place at Havant Justice Centre as directed and was attended by Mr Thomas Jenkins for the Applicant and Miss Bleasdale counsel for the Respondent.
5. The tribunal records that at the hearing Mr Jenkins on behalf of the Respondent agreed to provide access to the roof of the property to the Respondent's expert upon condition that the Respondent first provide an appropriate health and safety assessment.
6. The Directions provided that the substantive hearing shall take place at Havant Justice Centre, on Tuesday 20 January 2026 at 10:00am.
7. The Applicant must supply the tribunal with a hearing fee of £227.00 by 14 November 2025. If a hearing fee is not paid the application may be deemed withdrawn under Rule 11 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013. This has been done.
8. The Applicant was to send the Respondents their case papers by 10 October 2025, the Respondents to send the Applicant their case papers and the Applicant to have a concise reply to the Respondents case by 31 October 2025. The Applicant to prepare and provide a hearing Bundle for the tribunal and parties by 14 November 2025.
9. An application for a case management order was made by the Applicant dated 8 October 2025, noting

“One of the Respondents, AAA Banister Grange Limited, has sold his property to the other Respondent “AA Grange Park Limited” and is therefore no longer involved.

The original application covered the Service Charges for 2024-2025. This now applies to Service Charge years 2025-2026.

10. Judge Lumby on 14 October 2025 considered the application and determined;

“If the Applicant wishes to remove a respondent, they should provide evidence demonstrating that they no longer have an interest in the property, for example by providing up to date office copy entries showing the registered proprietor.

If they wish to amend their application to add an additional service charge year, they need to apply formally to the tribunal providing all the details required by the original application form, including the items and amounts in dispute. “

11. A further case management application was made, on 13 November 2025 concerning the compilation of the Bundle. This resulted in Directions of 25 November 2025 which provided for a revised timetable for amendments to the Bundle by 28 November 2025.
12. On the 17 December 2025 the Applicant made a case management application to alter the details of the service charges to which the application for determination related.
13. The Applicant had withdrawn the service charge demand issued in 2024 for the major works, the subject of today's hearing. It is understood from the Applicant that a revised service charge demand has been or are about to be issued. The Applicant having wanted to , by Case Management Application, alter the original application to take into account these. The Case Management Application being refused.
14. It was common ground between the parties that the Applicant had withdrawn the service charge demands of 13 May 2024 the subject of today's hearing.
15. The tribunal had recourse to the case management application by the Applicant of the 17 December 2025 where the Applicant requested the transposition of the details of the of replacement service charge demand for the costs of the roof in advance, with that of the previously demanded service charge. It was unclear whether a new service charge demands had been made by the date of the hearing. However, the tribunal finds that given the agreement that the service charge demands of 13 May 2024 no

longer exist, the tribunal dismisses the application received and all matters stemming from it.

16. The respondent had submitted just prior to the hearing, a skeleton argument, Bundle of Authorities and a costs application under Rule 13.
17. The tribunal adjourned for a short while and then reconvened the hearing. The tribunal determining that as the Applicant has withdrawn the original service charge demands of May 2024, then that issue is no longer capable of determination by the tribunal, the tribunal dismisses the application. This leaves the matter of the applicants for rule 13 costs. The tribunal makes the following Directions to dispose of the matter.

## **DIRECTIONS**

18. Counsel for the Respondent by 5pm of 9 February 2026 to submit to the Applicant Mr Jenkins their submission on costs. The Applicant Mr Jenkins by 5pm of 2 March 2026 to submit their response to the Respondent's submission on costs. The Counsel for Respondent to by 5pm of 16 March 2026 provide a concise Reply to the Applicant Mr Jenkin's submission.
19. The Respondent to by 5pm of the 23 March 2026 provide to the tribunal a Bundle comprising the relevant documents including the three exchanges required above.
20. The tribunal will make its determination on costs on the papers in the week of the 30 March 2026. Should either party request the determination to be made following a face-to-face hearing, they must make an application to the tribunal under Order Form 1 by 9 February 2026.

### **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).