



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

**Case reference** : **LON/00AY/LSC/2025/1167**

**Property** : **118 Midmoor Road, London SW12 0ET**

**Applicant** : **Ms Olayinka Lawal Bandele**

**Representative** :

**Respondent** : **Peabody Trust**

**Representative** :

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

**Tribunal member** : **Judge Dutton**

**Venue** : **Paper determination 10 Alfred Place,  
London WC1E 7LR**

**Date of decision** : **9 June 2026**

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**DECISION**

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## **Decisions of the tribunal**

- (1) The tribunal makes the determinations as set out under the various headings in this Decision
- (2) The tribunal makes an order under section 20C of the Landlord and Tenant Act 1985 so that none of the landlord's costs of the tribunal proceedings may be passed to the lessees through any service charge.

## **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 Applicant in respect of the service charge years April to March 2022; 2023; 2024; 2025; 2026 and 2027.
2. The application was dated 29 September 2025 and set out for each year in dispute the items the applicant sought to challenge. These were electricity, general building works, management fees and contributions to the reserve fund.
3. The applicant produced a Scott schedule of the items she disputed the contents of which I have noted.

## **The background**

4. The property which is the subject of this application is a ground floor maisonette with three bedrooms in a converted semi-detached house. It includes a rear garden. The top floor maisonette is, I am told, owned by the respondent.
5. External photographs of the building were provided in a Communal Areas Report (CAR) following an inspection on 3 August 2023.
6. The Applicant holds a long lease of the property dated 11 August 2021 with an annual ground rent of £400 (subject to review under the terms of the lease) and for a term of 125 years . The lease requires the landlord to provide services and the tenant to contribute towards their costs by way of a variable service charge. The specific provisions of the lease and will be referred to below, where appropriate.
7. On 27 April 2026 an order was made barring the respondent from taking any further part in these proceedings for the reasons set out therein.

## **The issues**

8. The case was dealt with on the papers submitted by the applicant in May 2026 as required under the terms of the barring order. These were extracts from her application to the tribunal for each of the years in dispute, the Scott Schedule she produced, the CAR report referred to above and copies of incomplete demands showing that on 11 March 2026 the applicant was allegedly in arrears in the sum of £494.38. I have not seen any full demands from the respondent nor copies of any accounts for the years in dispute. In addition, it would seem that for the years 2024-5 and 2025-6 no accounts have been produced and the year 2026-7 is, of course, based on estimated costs.
9. Having considered all the documents provided, I have made determinations on the various issues as follows.

### **Electricity**

10. There would not appear to be common parts at the property as each maisonette has its own front door. I note that there does appear to be an external light by the front doors. However, I am uncertain whether this is part of the applicant's complaint as there is no specific mention of a challenge to the electricity costs in the Scott Schedule. The sums involved are really quite small, varying from £19 to £25 for the year.

### **The tribunal's decision**

11. I therefore find that the charges for electricity for each year are allowed but going forward the respondent must provide to the applicant evidence of the sums paid and what 'piece of equipment' actually uses the electricity claimed for.

### **Management fees**

12. There appears to be an annual management charge fee of between £200 and £275. I have no indication as to what is done for this, but I do bear in mind that this property consists of two maisonettes and no internal common parts and therefore any management must be somewhat limited, in so far as the applicant is concerned. The applicant indicated that for the year 2021-2 a charge of £150 for the management fee would be reasonable.

### **The tribunal's decision**

13. I therefore find, given the apparent acceptance of same by the applicant, that the amount payable in respect of management fees should be reduced to £150 for each of the years in dispute. Given the lack of involvement on the part of the respondent this reduction seems eminently reasonable.

### **Reserve fund contributions**

14. In each year it appears that a reserve fund contribution is claimed. In 2021-2 it was £250 rising to £420 in the year 2026-7. The applicant disagrees that a reserve fund is needed for this property. She says she has owned the property since 2021 and is not aware of the fund being used for any expenditure.

### **The tribunal's decision**

15. The creation of a reserve fund is good practice. However, there is no evidence produced to show what the current level of the fund may be nor the basis upon which a demand is made at the level of sums said to have been claimed. The CAR does not highlight issues, although it now some 3 years old. The photographs of the exterior of the property appear to indicate that it is in good condition. Nonetheless I find that a contribution to a reserve fund is sensible. I consider that a demand in the sum of £420 without explanation to be excessive and unreasonable. I therefore reduce the amount payable for each year to £250.
16. Going forward the respondent must produce to the applicant a statement showing the balance currently held in the reserve fund and an explanation as to the planned maintenance programme for the property.

### **General Building works**

17. This appears to be a generic title for potential building works at the property. The applicant asks for each year "*how has this cost been utilized*"
18. There does not appear to be an answer to this question. I am not aware of any building works to the applicant's maisonette. Through their own fault the respondent has been barred from defending this claim. There is no evidence before me that any building works have been undertaken that would justify what appears to be estimated charges of between £150 and £350 per annum.

### **The tribunal's decision**

19. In the absence of any evidence to support this, what would seem to be estimated charges, I disallow in full the building works claimed for each of the years in dispute.

### **General**

20. I am unable to give a specific sum by which the service charges for the years in dispute should be reduced as neither I, nor the applicant, have

not been provided with statements of account for each year. I would hope however, that it would be reasonably easy to work out the sums for each year and for credits to be given to the applicant to reflect this decision.

### **Section 20 and refund of fees**

21. I am not aware that the applicant has sought to reclaim the application fee.
22. In the application form the Applicant applied for an order under section 20C of the 1985 Act. Having taking into account the determinations above and the respondent's failure to participate in these proceedings, I find that it is just and equitable in the circumstances for an order to be made under section 20C of the 1985 Act, so that the Respondent may not pass any of its costs incurred in connection with the proceedings before the tribunal through the service charge.

**Name:** Judge Dutton

**Date:** 9 June 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).