



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

Case reference : **LON/00BK/LSC/2025/0827**

Property : **8 Artillery Low, London SW1P 1RZ**

Applicant : **Leaseholders of 8 Artillery Row (as per the application)**

Representative : **Mr David Satwell, counsel**

Respondent : **Avon Ground Rents Limited**

Representative : **Mr Simon Allison KC**

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 : **Judge Tagliavini
Ms J Rodericks
Mr O Miller**

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

Date of decision : **25 February 2026**

Date of decision on quantum : **29 September 2026**

DECISION ON QUANTUM OF ELECTRICITY COSTS

Decisions of the tribunal

- (1) The tribunal determines the sum of £255,867.94 has been overpaid by the applicant leaseholders of **8 Artillery Low, London SW1P 1RZ**.
 - (ii) The tribunal directs the respondent to credit the applicant leaseholders with their proportion of the overpaid charges in accordance with Schedule 1 attached to this decision.
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- 1. This decision relates solely to the issue of the quantum of overpaid electricity charges. In its substantive decision dated 25 February 2026 the tribunal determined at paragraphs 85 and 87 under the heading **‘Communal electricity’**:

85. *The tribunal finds the ‘communal’ meter did incorrectly record readings for the entirety of the Building and not only the communal areas, to which the applicants were required to contribute through the service charges.*

...

87. *The tribunal finds the communal electricity costs were unreasonably incurred. The tribunal finds these costs were wrongly incurred due to the incorrectly wired meter in the control of the landlord and that it is illogical to accept the respondent’s submission that these costs were ‘reasonably incurred,’ particularly as the respondent will seek a refund/recredit of these charges from the supplier on the basis they were incorrectly charged.*

- 2. The tribunal was not satisfied that it could properly quantify the amount of the overpaid charges and therefore provided the parties with an opportunity to provide and rely upon expert evidence. The tribunal therefore directed that:

(i) *the respondent is to actively seek from its electricity supplier a recalculation and recredit of the overpaid charges;*

(ii) *In the event the sum due to be recredited cannot be determined or agreed between the parties by 31 May 2026, either party may seek a further determination from the tribunal as to the percentage or sum due to the applicants.*

- (iii) *Such an application may be made within the current application and will be determined by the same tribunal on the documents provided unless a further oral hearing is requested.*
 - (iv) *Both parties have the tribunal's permission to rely upon expert evidence in respect of the above calculation of the electricity costs to be recredited to the applicants.*
- 3. Further to the tribunal's directions, the applicants relied upon the expert report of BMCG Report of Darren Hamilton CEng MIET dated 9 June 2026 and addendum dated 20 August 2026 as the applicants' case ('the BMCG Report').
- 4. The respondent provided a witness statement from Mr Aaron Black (undated) account manager of Affiliated Utilities. The respondent subsequently requested an adjournment of the determination of the issue of quantum to December 2026 when further evidence/reports may become available to them. Subsequently, the respondent's request for an adjournment and an oral hearing was refused.
- 5. In reaching its determination on quantum, the tribunal considered the evidence relied upon by both parties and their written submissions.

The tribunal's reasons

- 6. The tribunal accepts the applicant's written submission and the evidence provided in the BMCG Report, as providing a reasonable method of and calculation of the amount of the overcharged electricity costs. In doing so, has regard to the respondent's submissions in respect of the report's alleged limitations. These were identified by the respondent as:
 - a. Appendix 8.1 is headed Client calculation to determine overcharged amount. It is unclear whether the author has independently recalculated or audited the client's calculation and the degree of independent verification of the Client's calculations is unclear.*
 - b. The Executive Summary of the Report states that supporting information to make the determination and conclusion was provided to the Expert by Kevin Hastings. The Limitations section separately states that information from third parties has not been checked or verified unless expressly stated. It has not been expressly stated that Mr. Hastings figures were verified.*
 - c. The Conclusions section of the Report (page 5) refers to photographic evidence in some cases and actual recorded readings in other cases. Full detail and production of the copy*

evidence relied upon is required or in cases where no evidence was supplied the basis of calculation of consumption.

d. The Conclusions section of the Report (page 5) indicates that the unit rates per KWh are based on some confirmed date from historic bills with adjustments applied for years where they could not be determined. Detail of the basis of the adjustment is not supplied, details of the bills from which historic date has not been supplied or detailed.

e. The introduction to the report provides a list of the range of documents provided but in each case of the meter readings and invoice as referred they are qualified by the wording 'as provided'. The full range of actual documentation considered by the Expert is therefore unclear and has not been produced with the report. The limitation section of the report also makes clear that the recorded information for installations were as provided to MBCG and data was supplied by the residents' party to the application to support the calculations.

f. The basis of the finding at paragraph 5.1 that the 22 apartment readings total £1,684,904 kwh needs to be detailed with supporting evidence.

c.(sic) Full supporting information to explain the figures and calculations within the table at 8.1 upon which the Expert's opinion has been formed needs to be supplied...

7. Notwithstanding these alleged limitations, the tribunal found the evidence of Mr Black to be extremely limited in assisting the tribunal with the issue of quantum. Mr Black described the steps he had taken to identify amounts overpaid by the applicants but conceded:

'For the reasons stated above at date the fix has not been completed and as such those figures have not been obtained.'

8. Therefore, in the absence of any or any persuasive evidence to refute the evidence relied upon by the applicants, the tribunal accepts the BMCG report as establishing, on the balance of probabilities, the sums overpaid by the applicant leaseholders as set out in Appendix I of this decision.

Name: Judge Tagliavini

Date: 29 September 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).

Appendix I

OVERPAID COMMUNAL ELECTRICITY CHARGES TO BE RE-CREDITED TO THE NAMED APPLICANTS

Flat 101: £18,347.20

Flat 103: £21,370.49

Flat 201: £16,272.40

Flat 203: £19,932.95

Flat 301: £16,435.42

Flat 302: £8,136.20

Flat 303: £19,932.95

Flat 403: £18,510.23

Flat 601: £16,583.62

Flat 602: £8,136.20

Flat 603: £17,235.70

Flat 701: £16,583.62

Flat 702: £8,136.20

Flat 703: £18,184.18

Penthouse 801: £32,070.57