



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

Case reference : **LON/00AF/LSC/2024/0041**

Property : **36-48A and 50-62A Edgewood Drive,
Orpington, Kent BR6 6LQ and BR6 6LH**

Applicants : **Various Leaseholders**

Representative :

Respondent : **Helen Kemp**

Representative : **Spencer West LLP**

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 : **Mrs S Phillips MRICS**

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

Date of decision : **20 October 2026**

DECISION

Decisions of the tribunal

- (1) The tribunal does not make 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. Nor does the Tribunal make an order under paragraph 5A Schedule 11 Commonhold and Leasehold Reform Act 2002.

The application

1. The Applicant seeks a determination on costs in relation to an application made under s.27A of the Landlord and Tenant Act 1985 ("the 1985 Act") and Schedule 11 to the Commonhold and Leasehold Reform Act 2002 ("the 2002 Act").

The hearing

2. This matter has been determined on the papers.

The background

3. On 12 January 2024 the Applicants made a s.27A application under the Act. This related predominantly to proposed major works by the Respondent in relation to the roof at the Property. The property which is the subject of this application are two blocks of double-level maisonettes that are two storeys high. There is a total of 14 maisonettes in each block (therefore 28 maisonettes in total).
4. The s.27A application did not proceed to a point where an inspection was undertaken or required.
5. The Applicants total 17 of the leaseholders at the Property and they hold a long lease for each of their respective properties. The leases require the landlord to provide services and the tenant to contribute towards their costs by way of a variable service charge.
6. The original s.27A application made by the Applicant related predominantly to major works that the Respondent proposed to do to the roof. This was estimated to be £359,491.60 and subsequently increased to £485,000.
7. On 2 July 2024 the Applicants incorporate a Right to Manage company for properties 50-62A. They acquired the right to manage on 17 September 2025 having followed the necessary legislative process. This was before the original s.27A application was determined.

8. On 12 September 2025, the Applicants then incorporated a further Right to Manage company for properties 36-48A. They acquired the right to manage on 9 February 2026 with the necessary legislative process being followed.

9.

The Applicant's submissions on costs

10. The Applicant states that it would be just and equitable in all the circumstances for the Tribunal to grant the requested orders preventing the Respondent from recovering the costs of these proceedings through the service charge or as administration charge.
11. The reasons for the Applicants initial s.27A application were important as they had concerns over whether the works were required given that the Property was constructed in 2008 and also the scope of the works.
12. The Applicant submitted that they were querying the scope of the works, as it appeared that some parts were not strictly necessary. This included cleaning and polishing external cladding, cleaning glazing, CCTV drainage survey and redecorating rendering. A joint independent survey of the work was acquired to ascertain whether a full roof replacement was required. The report confirmed that a full roof replacement was required due to a defective "mid-life recovering" scheme.
13. The survey also confirmed that some of the works were not strictly required but were desirable or recommended.
14. The Applicants had also obtained an alternative quotation which suggested the costs would be £125,000 lower than that indicated by the Respondent.
15. The Applicant pursued the s.27A application as the Respondent remained responsible for some aspects of the Property (namely 36-48A) and retained authority in relation to service charge funds and proposed major works.
16. The Applicant denies any claim that they conducted the proceedings unreasonably or caused unnecessary delay. In an attempt to avoid unnecessary costs, the Applicant stated that they contacted the Respondent on 19 December 2025 to see if the RTM process could be expedited.
17. The Applicant quoted *Langford Court v Doren Ltd (LRX/37/2000)* and that the Tribunal's discretion under section 20C should be exercised by considering the overall circumstances.

18. The Applicant also provided further context on the queries the Applicant's had around the original contractor who carried out the work and any associated guarantees for their work.

Respondent's Reply

19. The Respondent's set out the chronology of the application and the incorporation of the RTMs.
20. The Respondent's then provided submissions on the actions and correspondence that the Respondent made to the Applicant, proposing that the s.27A application be ceased given the RTM work streams that were on-going. Evidence was provided on the correspondence between the parties during October 2025 on this point.
21. The Respondent also stated that their client had confirmed that they would not be progressing with the roof works due to the RTM applications that had been made.
22. The Respondent's referenced a number of cases in their submissions including:
- (i) *Iperion Investments Corp v Broadwalk House Residents Ltd* (1995) 27 H.L.R. 196
 - (ii) *The Tenants of Langford Court v Doren Ltd* (LRD/37/2000 Lands Tribunal)
 - (iii) *Schilling v Canary Riverside* (LRX/26/2005 Lands Tribunal)
 - (iv) *Church Commissioners v Derbadi* [2011] UKUT 380 (LC)
 - (v) *Re SCMLLA (Freehold) Ltd's Appeal* [2024] UKUT 58 (LC)
23. The references to the above cases looked to make a number of points including the parameters within which the Tribunal should make an order under s.20C. This includes factoring in all the circumstances of the matter together with whether the Applicant has had any level of success in their claim as well as the conduct of the parties during the proceedings.

The tribunal's decision

24. Having heard the submissions from the parties and taking into account all of the submissions provided, the tribunal does not make an order under s.20C of the 1985 Act and that it is not just and equitable in the circumstances for an order to be made under section 20C of the 1985 Act.
25. The Applicant was provided several opportunities to withdraw their s.27A application given that the RTM applications were ongoing at the time. One application for an RTM had progressed without challenge by the Respondent and the second was in motion.
26. In addition to this, the Respondent's solicitors had confirmed to the Applicant that their client would not be progressing with the roof works. It would therefore appear that the challenge to these works had subsequently fallen away but the Applicant's still decided to proceed with the s.27A application.
27. The Tribunal has taken into consideration the case law that was referenced by both parties and in particular *Iperion Investments Corp v Broadwalk House Residents Ltd* where it was held that:

“The obvious circumstances which Parliament must be taken to have had in mind in enacting section 20C is a case where the tenant has been successful in litigation against the landlord and yet the costs of the proceedings are within the service charge recoverable from the tenant [...] To my mind it is unattractive that a tenant who has been substantially successful in litigation against his landlord and who has been told by the court that non merely need he pay no part of the landlord's costs but has had an award of costs in his favour should find himself having to pay any part of the landlord's costs through the service charge” (per Peter Gibson J at 202-203).
28. The Applicant did not pursue a 27A application against the Respondent and was aware of the RTM processes that they had invoked. Therefore, the Tribunal do not find it is just and equitable to make an order under s.20C of the 1985 Act.

Name: Mrs S Phillips MRICS

Date: 20 October 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).