

LON/00BD/LSC/20060248

**DECISION OF THE LEASEHOLD VALUATION TRIBUNAL
ON APPLICATIONS UNDER SECTIONS 27A OF THE LANDLORD
AND TENANT ACT 1985,**

Address Courtlands Estate, Sheen Road, Richmond, TW10 5AT

Applicant Mr R Cummins

Respondent's Courtlands Estate (Richmond) Limited

Hearing date 10th and 11th January 2007

Appearances Mr R Cummins For the Applicant

Mrs J Chamberlain-Mole
Miss N Hashemi
Mr A Harwood
Mr G Van Tonder
Mr J Roney

For the Respondents

The Tribunal Mr P Korn Chairman
Mrs H Bowers BSc (Econ) MSc MRICS
Mrs G Barrett JP

LEASEHOLD VALUATION TRIBUNAL

LONDON RENT ASSESSMENT PANEL

**DECISION ON AN APPLICATION UNDER SECTION 27A OF THE LANDLORD
AND TENANT ACT 1985 (AS AMENDED)**

Property: Courtlands Estate, Sheen Road, Richmond TW10 5AT
Applicant: Mr R Cummins
Respondents: Courtlands Estate (Richmond) Limited
Application Date: 17th July 2006
Hearing Date: 11th January 2007
Representatives: Mr R Cummins in person (Applicant)
Mr G Van Tonder of Counsel with Mr J Roney of Lee &
Pembertons Solicitors (for Respondents)

Members of Tribunal

Mr P Korn (chairman)
Mrs H Bowers
Mrs G Barrett

INTRODUCTION

1. This is an application under Section 27A of the Landlord and Tenant Act 1985 (as amended) for a determination of liability to pay service charges in respect of the external painting of the part of the Property known as Norfolk House.
2. The application was heard, as directed at the Pre-Trial Review on 19th October 2006, immediately after the Respondents' application (Ref: LON/00BD/LDC/2006/0067) to dispense with the consultation requirements set out in the Service Charges (Consultation Requirements) (England) Regulations 2003 (the "**2003 Regulations**") in respect of, inter alia, the works referred to in paragraph 1 above.

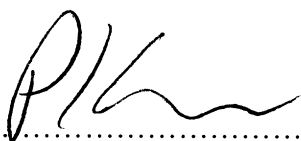
3. The Tribunal in the earlier application (Ref: LON/00BD/LDC/2006/0067) decided in respect of the works referred to in paragraph 1 above (described in the Tribunal's written decision as the "Norfolk/Marlborough Redecoration") to refuse the Respondents' application for dispensation.

THE HEARING

4. The hearing was held on 11th January 2007. Whilst the Application Form referred to the Applicant(s) as "Mr Roger Cummins and others", in fact Mr Cummins was the sole Applicant, and he represented himself. The Respondents were represented by Mr G Van Tonder of Counsel with Mr J Roney of Lee & Pembertons Solicitors. Also present for the Respondents were Mrs J Chamberlain-Mole (chairwoman), Miss N Hashemi and Mr A Howard-Harwood (estate manager and company secretary).
5. At the hearing, the Applicant noted the decision of the Tribunal in respect of the earlier application by the Respondents ((Ref: LON/00BD/LDC/2006/0067). The Applicant's application had raised two points regarding the Norfolk/Marlborough Redecoration, (a) that in the Applicant's view the work was sub-standard and (b) that the Respondents had failed to comply with the consultation requirements set out in the 2003 Regulations.
6. In the light of the decision in the earlier application, the Applicant chose not to pursue the point that the work was sub-standard and merely asked the Tribunal to decide that the Applicant's contribution to the Norfolk/Marlborough Redecoration should be limited to £250.
7. The Respondents made no submissions.

DETERMINATION

8. Having previously decided – in response to the earlier application – that the Respondents had failed to comply with the consultation requirements set out in the 2003 Regulations and that those requirements should not be dispensed with in respect of the Norfolk/Marlborough Redecoration, the Tribunal decides that the Applicant's service charge contribution to the Norfolk/Marlborough Redecoration shall be limited to £250.
9. As no submissions were made at the hearing as to the reasonableness of the service charge costs which were the subject of the Section 27A application the Tribunal makes no finding as to the reasonableness or otherwise of those costs.
10. No applications for costs or fees were made.

CHAIRMAN.....
Mr P Korn

Date: 23rd January 2007