

SOUTHERN RENT ASSESSMENT PANEL AND LEASEHOLD VALUATION TRIBUNAL  
LEASEHOLD VALUATION TRIBUNAL

IN THE MATTER OF SPITFIRE COURT, MITCHELL CLOSE, SOUTHAMPTON,  
HAMPSHIRE AND IN THE MATTER OF SECTION 37 OF THE LANDLORD AND TENANT  
ACT 1987

Case No: CHI/00MS/LVT/2006/0001

BETWEEN :

MARTIN PETER STOOKS AND NESTA ALMA STOOKS AND OTHERS (THE LESSEES OF  
SPITFIRE COURT, MITCHELL CLOSE, SOUTHAMPTON)

Applicants

and

G & O INVESTMENTS LIMITED

Respondents

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**ORDER**

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UPON the Tribunal reading the lessees' application dated 15<sup>th</sup> May 2006 and UPON Tribunal receiving letters of consent from all but 4 of the 38 residential long leaseholders of Spitfire Court Mitchell Close Southampton and the head leaseholder AND UPON the Tribunal being satisfied that the object to be achieved by the proposed variation to the residential lease of Spitfire Court aforesaid cannot be satisfactorily achieved unless all the leases are varied to the same effect IT IS HEREBY ORDERED:-

1. that all 38 residential long leases of the flats at Spitfire Court aforesaid shall be varied as follows:-
  - a) the proviso to Clause 9 of each of the said leases shall have deleted therefrom the following words:-

"EXCEPT In so far as the obligations contained in this clause are also to be performed and observed by reason of covenants contained in other clauses in this

Lease the cost of the performance and observance of the obligations contained in this clause shall not be recoverable from the Tenant through payment of the Service Charge."

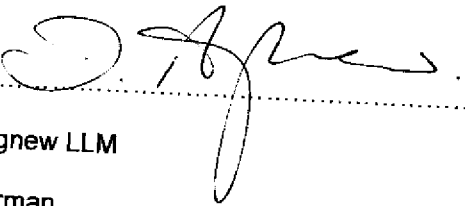
and

b) paragraph 1(1) of the Third Schedule of each of the said leases shall have deleted therefrom the following words:-

"(not being in respect of covenants or obligations the cost of performance or observance of which is expressly stated not to be recoverable from the Tenant through payment of the Service Charge)..."

2. There shall be liberty to the parties to apply for any consequential orders.

Dated this 20<sup>th</sup> day of November 2006

  
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D. Agnew LLM  
Chairman