

IN THE SOUTHERN LEASEHOLD VALUATION TRIBUNAL

In the matter of Section 27A of the Landlord and Tenant Act 1985 and of the Rent Assessment Committee (England and Wales)(Leasehold Valuation Tribunal)(Amendment) Regulations 1997 and the Leasehold Valuation Tribunals (Service Charges etc) Order 1997

Tribunal: M J Greenleaves (Chairman)
A J Mellery-Pratt FRICS
J Mills

Re: 12 Undercliff Road, Boscombe, Bournemouth

Applicants: Luton Caravan Centre Limited ("the Applicant")

Respondent: Mr G J Swaine ("the First Respondent") & Mrs S Laver ("the Second Respondent")

1. Background

1.1. This was an application made by the Applicant to the Tribunal on 22nd January 2004 for determination under Section 27A of the Landlord and Tenant Act 1985 (hereafter called the Act) whether service charges for the years 2002 and 2003 in respect of 12 Undercliff Road Boscombe Bournemouth (hereafter called the Property) are reasonable.

1.2. The Applicant is owner of the freehold of the Property. The Respondents are the leaseholders of Flats 12A and 12C respectively.

2. Hearing

2.1. A hearing was arranged for 15th October 2004. No parties attended but the Tribunal had received correspondence which had taken place between the Applicant and the First Respondent and the office of the Tribunal.

3. Consideration

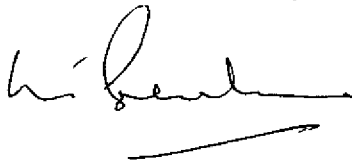
3.1. The effect of the correspondence referred to is that the Applicant and the First Respondent are agreed that to the extent of the sum of £1,533.37 the service charges are reasonable for the accounting period ending 31st December 2003 and that payment of such sum by the First Respondent will satisfy the Applicant's applications against the First Respondent in full.

- 3.2. The First Respondent agrees that such sum is payable 14 days after the provision of proper accounts for that accounting period
- 3.3. Having read the correspondence and the other case papers, the Tribunal is satisfied that the service charges in dispute between the Applicant and the First Respondent are reasonable and that the sum payable in respect of them is the sum of £1,533.37
- 3.4. It appears to the Tribunal that the Applicant does not intend to proceed further against the Second Respondent

4. Decision

- 4.1. The Tribunal accordingly finds as follows, with the consent of the Applicant and the First Respondent
- 4.1.1. The said service charges for the year ending 31st December 2003 are reasonable
- 4.1.2. The outstanding sum payable in respect of them is £1,533.37
- 4.1.3. That sum shall be paid by the First Respondent to the Applicant within 14 days of receipt by the First Respondent of accounts for the year ending 31st December 2003 prepared in compliance, other than as to year end, with the provisions of the Seventh Schedule to the lease dated 25th April 1986 of the First Respondent's flat.
- 4.2. In respect of the Applicant's claims against the Second Respondent, unless the Applicant within 14 days of the date of this decision gives notice to the Tribunal and to the Second Respondent of its intention to proceed with those claims, the same shall be treated as withdrawn.

Dated 15th October 2004



Chairman