

**RESIDENTIAL PROPERTY TRIBUNAL SERVICE
DECISION BY LEASEHOLD VALUATION TRIBUNAL for the
LONDON RENT ASSESSMENT PANEL**

**LANDLORD AND TENANT ACT 1987 – SECTION 35
APPLICATION FOR A VARIATION OF A LEASE**

LON/OOAN/LVL/38/0005

Premises: 5 Rayburn Court, Milson Road, London W14 0LF

Applicant: Hammersmith & Fulham Housing Management Services Limited

Respondent: Ms S.Hyde


Represented by: None

Tribunal: Mrs B.M.Hindley LLB
Mr D.L.Edge FRICS

Decision

1. The Applicant seeks to vary service charge provisions in a lease granted to the respondent in May 2000 to 5.87% pertaining to "the property" and 8.80% pertaining to "the building" rather than 3.63% and 4.70% as stated in the lease.
2. Directions were issued on 7 November 2006 for the Applicant to produce revised figures since those submitted in the application did not add up to 100%.
3. The Directions also queried the use in the lease of the terminology "building" and "property", rather than "block" and "estate".
4. In response to the Directions the Applicant accepted that "block" and "estate" were more easily understood by their leaseholders.

5. The Applicants also submitted further tables extended to 3, 4 and 5 decimal places to demonstrate that even then 100% was not achievable.
6. The respondent was sent a copy of the revised calculations, but did not respond. From earlier correspondence it was apparent that she had not wished to sign the deed of rectification.
7. Under Section 35 (2) (f) of the Landlord & Tenant Act 1987 either party to a lease may apply for variation of the computation of the service charge on the basis that the lease fails to make satisfactory provision.
8. The Tribunal is satisfied that it is appropriate to vary the service charge provision, so that the aggregate of the amounts totals 100.02% for the block and 99.99% for the estate (which includes the six properties in Milson Road).
9. The Tribunal considers the difference to be so insignificant that it determines that the service charge provision contained in the lease of the subject flat (Flat 5) should be varied from 3.63% to 5.87% for the Property and from 4.70% to 8.80% for the Building.

Chairman 

Mrs B.M.Hindley LLB

12 December 2006