

RESIDENTIAL PROPERTY TRIBUNAL SERVICE

EASTERN RENT ASSESSMENT PANEL LEASEHOLD VALUATION TRIBUNAL

Landlord & Tenant Act 1985, s27A

Property : 14 Copperwood, Hertford, SG13 7HZ

Applicant : Riseside Residents Association Ltd

Respondent : Ms Michelle Carolyn Norris

Case Number : CAM/26UD/LIS/2005/0005

Date of Hearing : 3rd October 2005

Tribunal Members : D S Brown FRICS MCI Arb (Chair)
I Butcher
M Krisko BSc(Est Man) FRICS

Present : The Respondent
A P Myott, Director of Riseside Residents Association Ltd
accompanied by R Chapman, Solicitor.

DECISION

1. The Tribunal made an unaccompanied external inspection of Copperwood before the hearing.
2. At the hearing, Mr Myott was asked to clarify whether the Applicant was seeking a determination in respect of 2004 and 2005. He said that it was.
3. Ms Norris stated that she had made a payment of £475 off her arrears a few days previously and this was confirmed by Mr Myott. Ms Norris explained that she was not disputing the service charges for the years in question. She had not made payment of the amounts due because of illness and personal circumstances, which had also resulted in her failing to communicate with the Applicant and failing to comply with the Directions in this case. She expressed her apologies. She said that she is now making arrangements to raise the necessary funds through remortgage and would be able to pay the amounts owing very shortly.
4. The Tribunal asked Mr Myott if, under the circumstances, he wished to seek an adjournment of the case to allow Ms Norris time to pay. He replied in the affirmative.

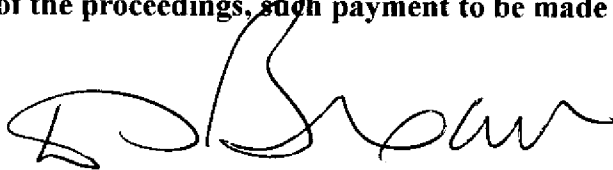
5. The Tribunal drew the attention of the parties to The Seventh Schedule of the Lease and the fact that there is no provision for a surcharge to be levied on late payments.
6. Mr Myott said that he was instructed by the Residents Association to apply for reimbursement of the application fee and hearing fee which had been paid, amounting to £250.
7. Under paragraph 9 of the Leasehold Valuation Tribunals (Fees)(England) Regulations 2003, a tribunal may require any party to the proceedings to reimburse any other party to the proceedings for the whole or any part of any fees paid by him in respect of the proceedings. Ms Norris accepted that the application had been made necessary because of her failure to pay or to communicate with the Residents Association and that it was reasonable that she should reimburse those fees.

CONSENT ORDER

The Tribunal, having considered the representations, makes the following Order, with the consent of the parties:-

- A. **The case shall be adjourned for 56 days, that is until 28th November 2005, with leave for either party to apply for earlier re-instatement in the event of a change of circumstances.**
- B. **Ms Norris shall pay to the Riseside Residents Association Ltd the sum of £250 as reimbursement of the fees paid by the Association in respect of the proceedings, such payment to be made within 56 days.**

Signed:



Date: 4th October 2005

D S Brown FRICS MCI Arb (Chair)