



**FIRST-TIER TRIBUNAL  
PROPERTY CHAMBER  
(RESIDENTIAL PROPERTY)**

**Case reference** : **LON/00AC/LSC/2023/0332**

**Property** : **Various leasehold properties within the London Borough of Barnet**

**Applicant** : **Barnet Homes on behalf of the London Borough of Barnet**

**Representative** : **Mr Beetson (counsel)**

**Respondent** : **Various leasehold properties within the London Borough of Barnet**

**Representative** : **In person**

**Type of application** : **For a determination of the payability of service charges S27A Landlord and Tenant Act 1985**

**Tribunal** : **Judge Tueje  
Miss M Krisko FRICS**

**Venue** : **10 Alfred Place, London WC1E 7LR**

**Date of hearing** : **11<sup>th</sup> December 2023**

**Date of directions** : **20<sup>th</sup> December 2023**

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**FURTHER DIRECTIONS**  
**THESE DIRECTIONS ARE IN ADDITION TO THE TRIBUNAL'S**  
**AMENDED DIRECTIONS DATED 20<sup>th</sup> SEPTEMBER 2023**

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<b>Next hearing:</b>	At a face to face case management hearing at 10 Alfred Place, London WC1E 7LR, on <b>12<sup>th</sup> March 2024</b> starting at <b>10:00 am</b>
<b>Inspection:</b>	The tribunal does not currently consider an inspection of the property is required. However, one will be arranged by the tribunal at the hearing if it considers it necessary

### **Communicating with the Tribunal**

- Unless directed otherwise, all communications to the tribunal, including the filing of documents and bundles, should be by **email ONLY**, attaching a letter in Word format. Emails must be sent to [London.RAP@justice.gov.uk](mailto:London.RAP@justice.gov.uk). The attachment size limit is 36MB. If your attachments are larger than 36MB they must be split over several emails.
- **If a party does not have email, access to the Internet and/or cannot prepare digital documents, they should contact the case officer about alternative arrangements.**
- Documents prepared for the tribunal should be easy to read. If possible, they should be typed and use a font-size of not less than 12.

### **Background**

- (1) The Applicants wish to alter their method of calculating the management charge for its leaseholder properties. They also wish to change their method for calculating the administration costs for the cost of major works. They want the Tribunal to determine if the estimated management fee for 2024/5 at £186.16 (based on the new methodology) is reasonable. They also want the Tribunal to determine whether the proposed administration charge to deliver major works at Aeroville NW95JT at £464.94 (applying the new methodology) is reasonable.
- (2) The tribunal has identified the following issues to be determined:
  - Whether the proposed management fee in 2024/25 is payable.
  - Whether the proposed administration charge for delivering major works at Aeroville in 2024/25 is payable.
- (3) By the amended directions order dated 20<sup>th</sup> September 2023, any leaseholder who objected to the application, and wanted to participate in

the hearing, was to notify the Applicant's solicitors in writing. The Applicant's solicitors received around 31 objections.

- (4) The application was listed for a final hearing on 11<sup>th</sup> December 2023, when five leaseholders attended in person and two leaseholders joined remotely. The Applicant prepared a bundle for that hearing which contained a sample lease. The Applicant was not a party to that sample lease.
- (5) Many of the written objections disputed the Applicant's standing, and argued their leases were materially different to the sample lease the Applicant provided. These arguments were pursued by those Respondents who attended the hearing.
- (6) The Tribunal clarified that the application raises only issues relating to payability of service charges and not reasonableness of service charges. The Tribunal has identified that whether the terms of the leases may affect the Applicant's entitlement to bring or pursue the application at all, or in its current form, should be considered before the application progresses much further.
- (7) Accordingly, the hearing was adjourned with directions, to enable the Tribunal to consider the Applicant's standing and the provisions of the relevant leases, at the next case management hearing. The directions (including hearing date) have been drawn up in consultation with those who attended the hearing.

#### **DIRECTIONS**

1. This case is to be reviewed at a case management hearing and details of that hearing are provided below.

#### **Preparation for the hearing by both parties**

##### **Disclosure**

2. By 5<sup>th</sup> January 2024 the applicant shall provide evidence demonstrating whether it has standing to bring and pursue this application on behalf of the London Borough of Barnet.
3. By 12<sup>th</sup> January 2024 the applicant shall provide to all lessees who have objected a sample lease relating to each of the following (comprising all developments where leaseholders have objected):
  - 3.1 Goldsmith's Avenue;
  - 3.2 Addison Way;
  - 3.3 Saffron Close;
  - 3.4 Nant Close, Granville Road;

- 3.5 Dinsdale Court, Great North Road;
  - 3.6 Peyton House, Link Road;
  - 3.7 Durisdeer House;
  - 3.8 Oak Villas, Hendon Park Road; and
  - 3.9 Silkstream Road.
4. By 26<sup>th</sup> January 2024 the applicant shall provide written representations setting out which provisions of each sample lease is relied on for the purposes of its application herein. The written representations may be in schedule form if so advised.
  5. All documents which the applicant has been directed to provide at paragraphs 2 to 4 above, must be provided as follows:
    - 5.1 By post to Ms Ignatius and Mr Patabendige, whose correspondence addresses the applicant is aware of;
    - 5.2 By making it available for collection by Mr Lanyado from an address already agreed, or to be agreed, between the applicant and Mr Lanyado;
    - 5.3 By e-mail to all other leaseholders who have objected; and
    - 5.4 On the applicant's website, together with a copy of these directions, where they should be available for viewing and downloading.
  6. By 23<sup>rd</sup> February 2024 the respondents may send to the applicant's solicitors written representations dealing with any representations they wish to make regarding the following:
    - 6.1 The applicant's standing in respect of this application brought on behalf of the London Borough of Barnet; and/or
    - 6.2 Whether the terms of their lease may affect the applicant's entitlement to bring or pursue the application at all, or in its current form.
  7. The respondents may attach a copy of their lease to their witness statement but should only do so if they assert their lease is materially different to the relevant sample lease disclosed by the applicant.

**Evidence from abroad: any party or witness**

8. If you or your witness intends to give oral evidence at the hearing from somewhere outside of the United Kingdom, you must:
  - (a) follow the guidance provided in the Guidance Note for Parties: Giving Evidence from Abroad;

- (b) notify the Tribunal by email to [London.Rap@justice.gov.uk](mailto:London.Rap@justice.gov.uk), copied to all other parties, within 5 working days of receipt of these Directions, to confirm that you or your witness intends to apply to give evidence from abroad, confirming (i) which country, and (ii) that you will follow the process in the Guidance Note.

A copy of the Guidance Note can be provided by the case officer on request.

Failure to follow the Guidance is likely to result in you or your witness being unable to give oral evidence from abroad.

### **Documents for the hearing/ determination**

9. The **applicant** shall be responsible for preparing updated digital, indexed and paginated hearing bundles, in Adobe PDF format, which must be provided in accordance with paragraphs 5 to 5.3 above (but not paragraph 5.4), and to the tribunal, at [London.Rap@justice.gov.uk](mailto:London.Rap@justice.gov.uk) by **5<sup>th</sup> March 2024**. The subject line of the email must read: “BUNDLE FOR HEARING” followed by the case reference and the address of the Property.
10. If the parties are unable to agree a single bundle, then each party shall send **one** copy of their own digital, indexed and paginated hearing bundle, in Adobe PDF format, provided in accordance with paragraphs 5 to 5.3 above, and to the tribunal at [London.Rap@justice.gov.uk](mailto:London.Rap@justice.gov.uk) by **5<sup>th</sup> March 2024**. The subject line of the email must read: “BUNDLE FOR HEARING” followed by the case reference and the address of the Property.
11. Only those documents sent in bundles are likely to be before the tribunal at the full hearing and parties should not send documents “piecemeal” to the case officer.
12. The applicant should provide the documents in two separate bundles, one of which should contain only the sample leases referred to at paragraphs 3 to 3.9 above. The other bundle should contain all other documentation relevant to the hearing, and such documents as may be needed to deal with further directions through to a final hearing of this application.
13. The bundle shall include copies of:
  - the application with documents enclosed;
  - the objections received from leaseholders;
  - the applicant’s response to the objections;
  - the documents referred to at paragraphs 2 to 7 above; and
  - these directions and any other directions.

14. It is essential that the parties include any relevant correspondence to the tribunal within their digital bundle.
15. Any section 20C application and/or paragraph 5A application will be determined at the conclusion of the substantive hearing.

### **Hearing**

16. The parties may if they wish (but are not obliged to) provide the tribunal and the other parties with a concise written summary of their case (referred to as a “skeleton argument”) **three days** before the date of the listed hearing.
17. The hearing shall take place on **12<sup>th</sup> March 2024 as a face to face hearing, at 10 Alfred Place, London WC1E 7LR** starting at **10:00 am**, making use of the electronic documents received.
18. The case management hearing is estimated to last for **3 hours**.

### **Non-Compliance with Directions**

19. If the **applicant** fails to comply with these directions the tribunal may **strike out** all or part of their case pursuant to rule 9(3)(a) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 (“the 2013 Rules”).
20. If any **respondent** fails to comply with these directions the tribunal may bar them from taking any further part in all or part of these proceedings and may determine all issues against it pursuant to rules 9(7) and (8) of the 2013 Rules.

**Name:** Judge Tueje

**Date:** 20<sup>th</sup> December 2023