

LEASEHOLD VALUATION TRIBUNAL FOR THE LONDON RENT ASSESSMENT PANEL
PRE-TRIAL REVIEW HELD ON TUESDAY 29 OCTOBER 2002

LANDLORD AND TENANT ACT 1985
HOUSING ACT 1996

Ref: LVT/SC/007/120/02

36

Address: Jefferson House, 11 Basil Street, London SW3

29.10.02

Applicants: Steel Services Ltd

If this is intended to say that it 'complies with' -
then, it does NOT

Respondents: Joint (Lessees)

At the Pre-Trial Review, the applicants were represented by Ms J Hathaway and Mr Martin of Martin Russell Jones, their managing agents, and Mr Gale from Brian Gale Associates.

The respondents present were Mr [redacted] and Mr [redacted] (represented by Mr [redacted]) Ms N Dit-Rawe, Mr [redacted], Mr Laskey and Ms [redacted].

The application to the Tribunal is in accordance with Section 19(2B) of the Landlord and Tenant Act 1985.

The application is for the Tribunal to determine the reasonableness of the refurbishment and repairs work proposed by the applicants at a cost of £736,206.09.

It was established that there are 35 flats in the block. The respondents said that 11 lessees have paid the relevant service charge in full and another 10 have partly paid. The copy lease for Flat 22 is standard throughout the block. The landlords' covenants are contained in clause 5 and the lessees' obligation to pay service charge is in clause 2.

FALSE
as can

be seen from my lease which is MATERIALLY different

The standard lease contains Arbitration provisions in clause 2(g) but the Tribunal decides to proceed to a full hearing of the application provided written confirmation is received from the applicants by 12 November 2002. That the dispute in question is not to be referred to arbitration.

UPON CONSIDERING the application and representations by the parties, it is directed that:-

- (1) The respondents will send a Reply to the application to the applicants and a copy to the Tribunal by 26 November 2002. The Reply must list each item of the proposed work that is in dispute; stating fully the reasons for each disputed item. The Reply should include all relevant information and supporting documentary evidence which are to be considered by the Tribunal.
- (2) The applicants will send a Response identifying those issues now agreed and those still in dispute to the respondents and a copy to the Tribunal by 17 December 2002. The Response should include any relevant information and supporting documentary evidence which are to be considered by the Tribunal. It should also include the Report or Proof of Evidence of any Expert Witness. This Response, together with the application, will be regarded as the applicants' case.
- (3) The respondents are to send the Report or Proof of Evidence of any Expert Witness they intend to call at the hearing to the applicants and a copy to the Tribunal by 7 January 2002.
- (4) The parties are limited to 2 Expert Witnesses each in the proceedings.
- (5) The parties shall agree a single bundle of documents, relevant to the outstanding issues only. The documents must be in a file and numbered page by page. The applicant will prepare and send 4 copies to the Tribunal by 21 January 2003. The Tribunal will send copies of the bundle to those respondents who indicated an intention to appear and be heard at the hearing. The purposes of the bundle are to help

It was hand-delivered to me just 36 hours before the hearing - and NOT by the tribunal

clarify what material is before the Tribunal and why; give parties the best prospect of preparing effectively the presentation of their case; facilitate pre-reading by the Tribunal and enable the hearing to proceed smoothly and expeditiously.

(6) The parties should note that at the hearing the Tribunal may consider requiring the respondents to reimburse the applicants with the whole or part of their fees in these proceedings in accordance with Article 11A of the Rent Assessment Committee (England and Wales) (Leasehold Valuation Tribunal) Regulations 1993.

(7) The hearing of the applications will be on Wednesday 5 February 2003 at 1:30pm continuing on 6 February if necessary at 10 Alfred Place, London WC1E 7EB. The Tribunal will inspect the subject premises at 10:30am on 5 February 2003.

(8) The applicants will be invoiced for the appropriate hearing fee in accordance with the Leasehold Valuation Tribunal (Fees) Order 1997 (SI 1997 No. 1852) shortly. Failure to pay the fee by the due date will result in the cancellation of the hearing. If the fee remains unpaid after 6 months from the date of the invoice, the application will be treated as withdrawn in accordance with Article 4H of the Rent Assessment Committee (England and Wales) (Leasehold Valuation Tribunal (Amendment) Regulation 1997 (SI 1997 No. 1854).

(9) Letters/documents should not be sent to the Tribunal unless they have been copied to the other party and this is noted on each letter/document.

FAILURE TO COMPLY WITH THESE DIRECTIONS MAY RESULT IN PREJUDICE TO A PARTY'S CASE. IN PARTICULAR FAILURE TO PROVIDE EVIDENCE AS DIRECTED MAY DEBAR THE DEFAULTER FROM RELYING ON SUCH EVIDENCE AT THE HEARING. IN THE CASE OF THE APPLICANTS THIS COULD RESULT IN DISMISSAL OF THE APPLICATION AND THE REQUIRED NOTICE IN ACCORDANCE WITH REGULATION 4B OF THE RENT ASSESSMENT COMMITTEE (ENGLAND AND WALES) (LEASEHOLD VALUATION TRIBUNAL) REGULATIONS 1993 IS HEREBY GIVEN.

Chairman: MR J C SHARMA JP FRICS 

Date: 29 October 2002

**LEASEHOLD VALUATION TRIBUNAL
LONDON RENT ASSESSMENT PANEL**

10 Alfred Place London WC1E 7LR

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Ms N Dit-Rawe
3 Jefferson House
11 Basil Street
London
SW3 1AX

Your Ref:

Our Ref: LVT/SC/007/120/02

Date: 30 October 2002

Dear Sir/Madam

**Re: JEFFERSON HOUSE, 11 BASIL STREET, LONDON, SW3.
LANDLORD & TENANT ACT 1985 – SECTION 19 (2B).**

I enclose the Directions given by the Leasehold Valuation Tribunal following the Pre-Trial Review on 29 October 2002. They concern the preparation of the parties cases for the full hearing before the LVT.

Copies of the Directions go to all parties to the application.

I also enclose copies of those correspondence submitted by leaseholders in the run-up to the P-TR together with a list of all known Respondents for your information.

Yours faithfully

A handwritten signature in black ink, appearing to read "D. Stewart".

Mr D Stewart
Clerk to the Tribunal