Y TRIBIWNLYS EIDDO PRESWYL

RESIDENTIAL PROPERTY TRIBUNAL

LEASEHOLD VALUATION TRIBUNAL

Reference: LVT/0026/04/12

In the Matter of 103 Glan Gors, Harlech, Gwynedd LL46 2NX

APPLICANT Glan Gors Management Limited (Glan Gors)

RESPONDENT Ian Morgan

APPLICATION FOR LEAVE TO APPEAL BY GLAN GORS

1. On 15th and 16th April 2013, the Tribunal heard the above claim following the transfer of proceedings in the Caernarfon County Court in relation to service charges for the years 2008 to 2011. The Tribunal's decision is dated 4th June 2013. This decision is in relation to an application for leave to appeal that decision to the Upper Tribunal (Lands Chamber) by the Applicant, Glan Gors.

2. The Tribunal convened to consider this application at the Tribunal offices, Southgate House, 1st Floor, West Wing, Wood Street, Cardiff on 31st July 2013. In considering this application, the Tribunal had regards to the principles contained in the Lands Tribunal's Practice Directions regarding appeals at paragraph 4.2. These provide that applicants must specify whether their reasons for making the application fall within one or more categories, one of which being that the decision shows that the LVT wrongly applied or misinterpreted or disregarded a relevant principle of valuation or other professional practice.

3. In the application for leave to appeal, Glan Gors refers to paragraph 42 of the decision, which contains the Tribunal's findings as to the reasonableness of the charges for grounds maintenance for the year ending June 2009. The Tribunal found that the charge of £6,531 high and reduced them by 25%. Glan Gors assert that the Tribunal disregarded a relevant principle of valuation. A Tribunal had found in 2000 grounds maintenance costs of £12,741. The Applicant asserted in its statement of case dated 29th November 2012 that if those costs were uplifted by RPI an indication of current costs may be achieved. If these costs were uplifted by RPI from 2001 to 2009 the costs would be £15,837. The Tribunal had seen the LVT decision containing this figure and disregarded it. It was argued the previous decision was persuasive if not binding. It was said in arriving at its conclusion in paragraph 42, the Tribunal disregarded the evidence before it.

4. Glan Gors made the same points in respect of the grounds maintenance charges for June 2010 (paragraph 70 of the decision) and June 2011 (paragraph 75).

5. The Tribunal do not consider that there are grounds for allowing leave to appeal. The Tribunal did not disregard a relevant principle of valuation. There is no normal LVT past practice that costs should be increased reasonably and in line with the RPI. No authority is cited in support of Glan Gors' assertion. In assessing the reasonableness of the service charges the Tribunal had regard to Section 19 of the Landlord and Tenant Act 1985 which provides that relevant costs shall be taken in to account in determining the amount of a service charge payable for a period (a) only to the extent they are reasonably incurred, and (b) where they are incurred on the provision of services or the carrying out of works, only if the services or works are of a reasonable standard. Whilst it might be reasonable in some circumstances to uplift costs by RPI, the LVT decision in 2000 was arrived at after considering tenders from 4 different companies. Those tenders, and the specifications for the work to be carried out, were not before the Tribunal. It is not known what was included. The Tribunal, in reaching its conclusion, had regard to Section 19, the evidence before it as to the works carried out and the amounts charged by Levert's, an employee of Glan Gors and Mr. Oakley, who is self employed. It would not be correct to arrive at a conclusion as to the reasonableness of the grounds maintenance charges for the 3 years by reference to charges proposed by a company in 2000 in relation to works the extent of which were unknown.

6. The Tribunal therefore refuses leave to appeal.

DATED this 9th day of September 2013

CHAIRMAN