

Noelle K-Dit-Rawé

12 September 2003

Dear Ms K-Dit-Rawé

**LVT REPORT - LVT/SC/007/120/02  
3 JEFFERSON HOUSE, 11 BASIL STREET, LONDON SW3**

I am in receipt of your letters dated September 6, and September 9, 2003, which I have read together with the decision of the tribunal.

I should say at the outset that neither I nor the tribunal have power to re-open a decision. The correct course of action for a party who is dissatisfied with an LVT determination is to appeal to the Lands Tribunal.

On that basis it is not possible to either change the decision or to provide a supplement to it. I regret that this will inevitably appear unhelpful but it is not possible to act outside the regulations which govern the LVT procedure.

One of the difficulties for LVTs generally has been the limited nature of their jurisdiction under section 19(2A) and 19(2) of the Landlord and Tenant Act 1985. Those sections confine the tribunal's power to deciding the reasonableness of relevant costs incurred, or to be incurred in a service charge. The LVT cannot decide liability to pay a service charge.

From September 30, 2003, those two sections are to be repealed. The LVT's jurisdiction will then be governed by a new section 27A of the same Act. This will allow LVTs to decide all aspects of the liability to pay past and future service charges.

Following the introduction of the new jurisdiction we plan to devise a two part form so that in appropriate cases, the LVT can give a decision separately from the reasons for that decision.

So far as the agreement to hold a hearing in relating to your section 20C application is concerned, this is a matter for which the tribunal has no

(A) Having a summary is not addition  
Of course, inconvenient for  
Steel Services if there is one As  
Other Residents can see outcome!

discretion. The regulations make no provision for applications to be decided on consideration of documents alone without the consent of both parties.

Finally, the third page of your letter dated September 6, 2003, includes submissions which you may wish to be considered by the tribunal in making their decision on the section 20C application. If this is the case then the correspondence must be copied to the respondent. Please let Mr Stewart, the tribunal clerk, know if you wish to have the correspondence copied in this way.

Yours sincerely



AP Siobhan McGrath  
President