

Mrs J.S.L. Goulden, Mr J.R. Humphrys
Dr A.M. Fox
Leasehold Valuation Tribunal
London Rent Assessment Panel
10 Alfred Place
London WC1E 7LR

Ms Noëlle K-Dit-Rawé
3 Jefferson House
11 Basil Street
London SW3 1AX

Via special delivery

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

30 March 2003

WL203537

Dear Mrs Goulden, Mr Humphrys and Dr Fox,

**Flats 1-35 Jefferson House, 11 Basil Street, London SW3
Landlord and Tenant Act 1985 – Section 19 (2a)**

Last week I received a *Notice of a Charging Order Hearing due to take place on Friday 4 April 2003* – dated 21 March 2003, for myself “+8 others”. (See attached).

In my reply to the District Judge dated 25 March 2003 (see attached) I requested (once again) that the action be stayed explaining, among others, that:

1. at the LVT pre-trial hearing on 29 October 2002 Mr J.C. Sharma JP FRICS had in effect told the residents to not pay the service charge demanded for the major works until the LVT had reached a decision
2. you had not as yet reached a decision as the case was currently part heard and the last day for the hearing was set for 28 April.

In its reply of 27 March 2003, the County Court tells me that “... *your request (for a stay) will be considered at the hearing on 4th April 2003*”. (See attached)

How can it be that two government departments – who have been made aware of a conflict as a result of actions they are concurrently undertaking – have no line of communication?

I may come across as very naïve and misinformed, but I simply do not understand how this can be happening.

It is my understanding that in terms of sequence of events you have to reach a conclusion on the reasonableness of the global sum demanded before any other action – including through county court - can be contemplated.

Since receiving the claim form from West London County Court on 4 December 2002 - filed by Steel Services for the same matter you are currently dealing with – in so far as the action refers to my share of the global sum (see attached Court claim form and my defence to the Court) for which Steel Services has asked your Tribunal to determine the reasonableness, I have:

- Brought the West London County Court action to the attention of your Tribunal by writing to Ms Siobhan McGrath, President of the LVT on 9 December 2002. (See attached).
- On 9 December 2002 I also spoke to Mr David Stewart, Clerk to the LVT, to ask him whether he had been informed of this action. He said that it was the first he had heard of it. However, in terms of dealing with this, “no”, it was *not* up to the LVT to contact West London County Court. He suggested I get legal advice. He reiterated this advice in a letter dated 11 December 2002 (see attached).
- During w/c 9 December 2002 I spoke to Mrs Sheila Partridge, at the LVT, to whom my letter to Ms McGrath had been referred. Like Mr Stewart, she told me that it was not up to the LVT to contact West London County Court. She also suggested I get legal advice.
- Last week, when I phoned Mr David Stewart to report the fact I had received a Notice of a Charging Order from West London County Court I said that, while I understood the LVT does not provide legal advice, could it not at least contact West London County Court to inform them that the LVT is still in the process of hearing the case and that it is scheduled to be completed on 28 April 2003. Again I received the same reply: “No”; “...*suggest you get advice from your lawyer*”.

How can it be – given all of the above – that I find myself forced into a situation whereby I have to contemplate spending yet more money on legal advice (as well as time) because West London County Court is going ahead with a hearing on 4th April?

My lawyer is asking me to pay £2,000 (on account!) for advising me in relation to the County Court action.

- How can it be that this hearing is taking place – given the evidence provided?
- Why is it that your Tribunal and the Court do not communicate? (At least, on the face of it)
- Does this mean that the decision your Tribunal will take on 28 April as to the reasonableness of the global sum demanded will have no bearing on the action through West London County Court?

So far I have spent in excess of £20,000 on lawyer, barrister and surveyor fees in relation to the action with your Tribunal. The addition of a third day of hearing (for which I am grateful) on 28 April will cost me another few thousand pounds.

Under your Tribunal I cannot recoup any of these costs - I have incurred as a result of a situation that is none of my doing. (As you agreed on 5th February 2003, despite numerous requests, I had not been provided with sufficient information to allow me to determine the reasonableness of the sum demanded for the major works and consequently "in the interest of justice" you agreed to my request for an adjournment of the substantive hearing).

Am I to conclude that I have spent all this money for nothing?

Yours sincerely



Noelle K-Dit-Rawé

cc District Judge, West London County Court, 43 North End Road, West Kensington, London W14 8SZ (Via special delivery)

Enclosures

- 1 Charging order notice from West London, dated 21 March 2003
- 2 My reply to West London Court, dated 25 March 2003
- 3 Reply from West London County Court, dated 27 March 2003
- 4 Front page of West London County Court claim form dated 29 November 2002 and my defence to the Court dated 17 December 2002
- 5 My 9 December 2002 letter to Ms Siobhan McGrath, President, LVT, Leasehold Valuation Tribunal
- 6 Letter from David Stewart, Clerk to the LVT, dated 11 December 2002

31 March 2003

Please find enclosed note from the LVT dated 27 March 2003 which confirms that the final date for the hearing is 28 April.

Name *Richard Judge*
West London County Club

Building name or number, and street
43 North End Road
London

Postcode complete in full
W14 8SZ

SU 7003 5604 8GB