

## CONTENT

### LVT – 30<sup>th</sup> December 2009

A resident was charged an excessive amount of money (£5800) when she applied for retrospective permission for an extension added to the property without the Landlords permission. The PCRA, on behalf of the resident, took the case to LVT and won the decision. The respondent (landlord) then appealed to the Upper Tribunal but was not successful.

Documents relating to this case include:

1. Tribunal LVT Decision - pre appeal.
2. Response to LVT appeal.
3. Upper Tribunal Decision on Appeal.

### LVT – 15<sup>th</sup> November 2010

In 2010 the estate suffered a period of neglect that included 3 months without a gardener and a subsequent misappropriation of money from the Service Charge account. The Landlord Remington Commercial along with its managing agent Chelsea International was deemed fully responsible and in an attempt to recover the money owed the PCRA took the Landlord to an LVT Tribunal. The LVT case was carried out in the name of one resident with over 400 joined up applicants. At the Tribunal hearing, due to legal technical considerations the Tribunal refused to make a decision on the major points put forward. The hearing however did prompt the landlord to provide a statement admitting full responsibility for debt repayment.

Documents relating to this case include:

4. Tribunal LVT Decision – Maladministration.
5. Remington letter to LVT Tribunal.
6. PCRA complaint on LVT Decision.

### Legal Issues – Return of misappropriated funds

In September 2012 the PCRA were advised by the Leasehold Advisory Service to present our case to an organisation called Bar Pro Bono. This organisation offers a free legal service provided certain qualifications are met. Initially the Peel Common case appeared to match the criteria and the PCRA presented Bar Pro Bono with the required comprehensive detailed information (120 page document).

Disappointedly the help was refused and the PCRA had to look at other options.

In January 2013 the PCRA decided to pay for legal advice to further pursue the return of the misappropriated Service Charge money. Due to the change of ownership and the new Landlords refusal to accept the debt repayment responsibility it was essential to decide on which Landlord should repay the debt.

In February 2013 the PCRA engaged Shakespears Solicitors, passed over the Bar Pro Bono information pack and asked them to review the detail and provide legal advice regarding repayment responsibilities.

Documents relating to this case include:

Debt - Solicitors report

Debt - Solicitors Report findings