

FAO: Ms J Benjamin  
Property Chamber  
London Residential Property  
First-tier Tribunal  
DX 134205 Tottenham Court Road 2

26 April 2023

Our Ref: 45/CW/J0230824

Dear Sirs

**Tribunal Ref: LON/00BG/LSC/2021/0287**  
**Premises: Various Properties at St. Davids Square, London, E14**

We refer to the above matter and write further to the Tribunal's determination dated 22 March 2023, as sent to the parties on 29 March 2023.

In accordance with paragraph 69 of the determination, as varied, the Respondents are required to provide a breakdown of the costs of the Countryside Contracts for the relevant period illustrating specifically how much is attributed to rent and how much to maintenance. The Tribunal confirmed that if it does not receive such a breakdown then it shall determine an appropriate breakdown itself.

Unfortunately, for the reasons set out below, despite the Respondent having sought to obtain such a breakdown from Countryside, that information has not been provided to it. The Respondent is therefore unable to provide the breakdown in the terms as sought.

#### **Information from Countryside**

More particularly, during the course of the Application, as the Tribunal may recall, the Applicants' representative wrote to Countryside in an effort to obtain such a breakdown; Countryside confirmed that no breakdown was available. A copy of that letter is at pages 1927 – 1928 of the bundle.

Since the determination, the Respondents, via their managing agents, have asked Countryside once again if they are able to assist further in providing the information requested by the Tribunal, or at least provide information as to how the contract prices were compiled. Despite such communications, a response was only received from Countryside on 26 April 2023, via telephone.

We understand that during the course of the telephone conversation, in summary, Countryside stated that they are unable to provide the kind of breakdown sought by the Tribunal, as one does not exist; the contract price is one figure which has never been viewed as comprising separate sums for rental and maintenance. The Respondents' managing agents asked if Countryside were able to consider how the price would be calculated if they were entering into a similar contract today, in order to assist the Tribunal in determining an appropriate breakdown; again Countryside stated that they were unable to do so. Countryside indicated that when the contracts were entered into over 20 years ago, the price was informed by the cost of the individual parts of the systems and the warranties in place, and thereafter the potential liabilities once the warranties expired.

#### **Contract prices**

Given the above, the Respondents confirm that they are unable to provide the breakdown requested by the Tribunal, although confirm that the cost of the contracts (inclusive of VAT) for the relevant years are as follows:

Door Entry Systems:

2018: £152,897.04  
2019: £140,310.68  
2020: £140,310.67

TV Distribution systems

2018: £37,659.38  
2019: £40,576.81  
2020: £40,576.81

Car Park Gates and Barriers

2018: £12,736.68  
2019: £12,736.68  
2020: £12,736.68

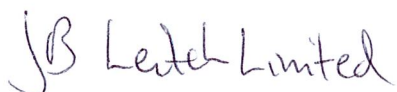
**Conclusion**

In the absence of the breakdown requested by the Tribunal, the Respondents invite the Tribunal to refer to pages 3214 to 3313 of the bundle for comparable information which may assist the Tribunal in undertaking its determination using its own expertise. This information relates to the tendering exercise undertaken in respect of the door entry costs for the 2021 period (which isn't part of this application).

We are grateful for the Tribunal's attention and confirm that the Applicants' representative is copied into this correspondence.

Yours truly

**JB Leitch Ltd**

A handwritten signature in dark ink that reads "JB Leitch Limited". The signature is written in a cursive, slightly stylized font.