
Leasehold Valuation Tribunal update

This purpose of this article is to inform residents of the ruling of the Leasehold Valuation Tribunal. The management charge for 2008 - 2009 will be a flat rate charge for all freeholders. If, having read this article, you have any queries please contact the Trust office.

In April of this year the Leasehold Valuation Tribunal rejected an application to relate the Management Charge – payable to the Trust by freeholders in Hampstead Garden Suburb – to the values of properties. The LVT ruled that the present flat rate arrangement for charging is reasonable and this was the only matter on which they could rule. This was not to say that any other system was reasonable or not reasonable.

The significance of the litigation so far for Management Charge payers is that it is now established legally that objection to any aspects of any estate charge, including the Management Charge, can be taken to the Leasehold Valuation Tribunal for a remedy. However the legislation only applies to estate charges as levied under the Scheme of Management for Hampstead Garden Suburb and to no other aspect of the Scheme.

Litigation began with an application to the LVT by Management Charge payers in December 2006. This application was, after consideration, opposed by the Trust in February 2007. In August 2007 the LVT ruled that the Commonhold and Leasehold Reform Act of 2002 did not allow it to rule on the application. On appeal to the Lands Tribunal this decision was overruled and the matter returned to the LVT for a decision which was finally issued in April 2008.

A Management Charge payer has applied to the Lands Tribunal for permission to appeal against the decision on the progressive charge on a number of grounds, the principal one of which is an objection to the way in which the LVT has devised its test of reasonableness. A decision by the Lands Tribunal is unlikely to be reached before September. This would be after the Management Charge for 2008-2009 has been invoiced. The Trust cannot therefore use any other system for calculating the 2008-2009 charge.

In October 2007, the Trust withdrew its opposition to the application for a progressive charge and took a position

of neutrality. The Trust Council felt that while it wanted to encourage debate among Management Charge payers on how the Charge should be levied it had no grounds on which it could take sides. The Trustees noted that the Tribunal was in any case the final authority and the Trust would be obliged to implement whatever the Tribunal decided.

At the same time the Trust accepted that, if the Leasehold Valuation Tribunal were to change the way in which the Management Charge should be levied, then the Trust would need to make recommendations about the practicality of any change.

Trust gardener retires after 34 years

At the beginning of April, after 34 years of sterling service, John Cassels retired as the Trust's gardening contractor.

To mark his retirement, a Magnolia tree surrounded by snowdrops, was planted in the garden of the block of maisonettes in Hill Top. The Trust Chairman, staff and several Suburb residents gathered at the tree to raise a glass to John in a small ceremony. Fittingly, the last piece of gardening John performed for the Trust was to plant the final snowdrop, using the ceremonial spade first used by Henrietta Barnett to cut the first sod of the Suburb in 1907. The spade was kindly loaned to the Trust for the occasion by the Hampstead Garden Suburb Institute.

John was first employed by the Trust in 1974 to tend to the office gardens. Over the years he has taken on a number of varied tasks and by the time



of his retirement was maintaining over 40 separate open spaces and private roads.

John is a long-standing Suburb resident and in his time has seen many changes at the Trust. It is testament to his friendly, willing and flexible approach to gardening across the Suburb that he has remained in position for so long. He will be greatly missed by the Trust.