

Sara & Hossein Asset Holdings Ltd (a company incorporated in the British Virgin Islands) (Respondent) v Blacks Outdoor Retail Ltd (Appellant)

Case ID: 2021/0027

Case summary

Issue

Whether the Court of Appeal erred in its construction of a provision in a commercial lease concerning service charges.

Facts

Blacks rented commercial retail premises from S&H pursuant to two leases dated 2013 and 2018 respectively (the Leases). S&H claimed service charge arrears from Blacks for 2017-2018 and 2018-2019 under the Leases. The Leases provided that S&H shall calculate the total cost of various services and expenses. Once this was ascertained, the Leases provided that S&H would give Blacks a certificate with the amount of the total cost and the sum payable by Blacks. Blacks argued that the service charges were excessive and not properly due under the Leases.

S&H made an application for summary judgment in respect of the money claim for the certified service charges, which was dismissed by Deputy Master Bartlett in the High Court. S&H's appeal was dismissed by Kelyn Bacon QC, sitting as a Deputy Judge of the High Court. The Court of Appeal allowed S&H's second appeal and entered summary judgment on the claim for certified service charges. Blacks now appeals to the Supreme Court.

Judgment appealed

[\[2020\] EWCA Civ 1521](#)

Parties

Appellant(s)

Blacks Outdoor Retail Ltd

Respondent(s)

Sara & Hossein Asset Holdings Ltd (a company incorporated in the British Virgin Islands)

Appeal

Justices

Lord Hodge, Lord Briggs, Lord Kitchin, Lord Sales, Lord Hamblen

Hearing start date

8 November 2022

Hearing finish date

8 November 2022

Watch hearing

8 November 2022 [Morning session](#) [Afternoon session](#)