



**FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)**

Case reference : **LON/00AH/LCP/2019/0012**

Property : **58 Mitcham Road Croydon Surrey CR0
3RG**

Applicant : **Assethold Limited**

Representative : **Scott Cohen Solicitors**

Respondent : **58 Mitcham Road (Croydon) RTM
Company Limited**

Representative :

Type of application : **Application to determine the costs to be
paid by an RTM Company under s.88(4)
of the Commonhold and Leasehold
Reform Act 2002**

Tribunal members : **Judge Carr**

Venue : **10 Alfred Place, London WC1E 7LR**

Date of decision : **16th December 2019**

DECISION

Decisions of the Tribunal

- (1) The Tribunal determines that the sum of £100 is payable by the Respondent in respect of the Application fee.
- (2) It also makes a formal determination that in addition the sum of £1,303.92 is payable in respect of costs.
- (3) The Tribunal makes the determinations as set out under the various headings in this Decision.

The application

1. The Applicant seeks a determination pursuant to section 88(4) of the Commonhold and Leasehold Reform Act 2002 (The Act).
2. The Tribunal determined, in directions dated 15th October 2019, that the application was suitable for determination without an oral hearing. The parties were given an opportunity to request a hearing. No such request having been made the matter is to be determined on the basis of the documentation provided by the parties.

The issues

3. The documentation provided by the Applicant and the correspondence between the Respondent and the Tribunal indicates that the sole issue in dispute is the application fee of £100.
4. The Applicant also asks the Tribunal for a formal decision confirming the sums subject to the application are payable in full by the Respondent.

The argument of the Applicant

5. The Applicant argues that in the light of all the circumstances – the ample notice of costs, the absence of any submissions from the Respondent and the delayed agreement of costs, that the Tribunal should make an order for reimbursement of the application fee paid to the Tribunal in the sum of £100.
6. The Tribunal notes that subsequent to the issue of the Application, the Respondent has indicated that it does not dispute the costs. The amount of the costs was notified to the Respondent on 17th September 2019. The Application was issued on 9th October 2019.

The Tribunal's decision

7. The Tribunal determines that the application fee of £100 is payable by the Respondent.
8. The Tribunal also makes a formal determination that the costs of £1,303.92 are payable by the Respondent.

Reasons for the Tribunal's decision

9. The Tribunal accepts the arguments of the Applicant.
10. The figure of £1,303.92 has been agreed by the Respondent.

Name: Judge Carr

Date: 16th December 2019

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.

The application for permission to appeal must arrive at the regional office within 28 days after the tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28-day time limit, such application must include a request for an extension of time and the reason for not complying with the 28-day time limit; the tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).

