



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

Case Reference : **LON/00AX/LCP/2019/0013**

Property : **66 Cranes Park Surbiton KT5 8AS**

Applicant : **Assethold Ltd**

Representative : **Scott Cohen Solicitors Ltd**

Respondent : **66 Cranes Park (Surbiton) RTM
Company Ltd**

Representative : **Not represented**

Type of Application : **Costs under s88(4) Commonhold
and Leasehold Reform Act 2002**

Tribunal Member : **Judge F J Silverman Dip Fr LLM**

**Date of paper
consideration** : **21 January 2020**

Date of Decision : **21 January 2020**

DECISION

The Tribunal allows the Applicant the sum of £1,775.92 inclusive of VAT where appropriate in respect of its costs under s88(4) Commonhold and Leasehold Reform Act 2002 and including £100 re-imbusement of their Tribunal application fee. The sum allowed is payable in full by the Respondent.

REASONS

- 1** This decision relates to an application for costs assessable under s88(4) Commonhold and Leasehold Reform Act 2002 (the Act) made by the landlord of the property situated and known as 66 Cranes Park Surbiton KT5 8AS (the property) in relation to a claim for the right to manage by the Respondent company.
- 2** Directions having been issued by the Tribunal 11 November 2019, this matter was decided at a paper consideration held on 21 January 2020.
- 3** A bundle of documents had been prepared by the Applicant and was considered by the Tribunal in reaching its decision. No statement of case or response has been received from the Respondent.
- 4** The issues before the Tribunal were firstly whether the Applicant was entitled to costs at all and secondly, if so, whether the costs demanded were reasonable.
- 5** The factual background to the application is that the Respondent had served a notice on the Applicant freeholder requesting that the management of the property be transferred to it under the provisions of the Commonhold and Leasehold Reform Act 2002.
- 6** The Respondent's claim was rejected by the Applicant and the matter was never concluded and lapsed in 2019.
- 7** Other than the service of the notice the Respondent seems not to have made any serious attempt to pursue the matter.
- 8** The Applicant and its managing agent were put to expense in investigating the Respondent's claim and in preparation of the counter-notice. They now seek to recover those costs from the Respondent.
- 9** The Applicant's application claims the sum of £1,195.92 for dealing with the Respondent's notice and the service of the counternotice plus £400 plus VAT for the managing agent's costs and a further £100 Tribunal application fee.
- 10** Their detailed schedule of costs (pages 2-3) record that the principal in the Applicant's solicitors' firm, was charging £275 per hour for her work. The Tribunal considers that this rate was reasonable and representative of a qualified solicitor working in a similar suburban London firm.
- 11** Similarly the Tribunal finds the work done and times spent on this matter to be both reasonable and proportionate. The solicitor's fees of £1,195.92 inclusive of VAT are therefore allowed in full.
- 12** The Tribunal recognises that the service of a notice by the Respondent would also involve the need for the managing agents to do some preparatory work and to liaise between the parties. Their part of the costs claim, valued at £400 plus VAT is also considered to be reasonable and is allowed in full.
- 13** The Tribunal also considers that it is reasonable to order the Respondent to repay to the Applicant the £100 expended by them on their application to the Tribunal.

14 The total allowed to the Applicant by the Tribunal and payable by the Respondent under this application is £1,775.92 inclusive of VAT.

**15 The Law
Commonhold and Leasehold Reform Act 2002 s 88(4)**

88 Costs: general

(1) A RTM company is liable for reasonable costs incurred by a person who is—

(a) landlord under a lease of the whole or any part of any premises,

(b) party to such a lease otherwise than as landlord or tenant, or

(c) a manager appointed under Part 2 of the 1987 Act to act in relation to the premises, or any premises containing or contained in the premises,

in consequence of a claim notice given by the company in relation to the premises.

(2) Any costs incurred by such a person in respect of professional services rendered to him by another are to be regarded as reasonable only if and to the extent that costs in respect of such services might reasonably be expected to have been incurred by him if the circumstances had been such that he was personally liable for all such costs.

(3) A RTM company is liable for any costs which such a person incurs as party to any proceedings under this Chapter before the appropriate tribunal only if the tribunal dismisses an application by the company for a determination that it is entitled to acquire the right to manage the premises.

(4) Any question arising in relation to the amount of any costs payable by a RTM company shall, in default of agreement, be determined by the appropriate tribunal .

Judge F J Silverman as Chairman
Date 21 January 2020

Note:
Appeals

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28-day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.