



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

Case reference : **LON/00AY/LRM/2021/0004**

**HMCTS code
(paper, video,
audio)** : **P: PAPERREMOTE**

Property : **15 Greyhound Lane, London SW16 5NP**

Applicant : **15 Greyhound Lane RTM Company
Limited**

Representative : **The Leasehold Advice Centre**

Respondent : **Assethold Limited**

Representative : **Scott Cohen Solicitors Limited**

Type of application : **Right to manage – reimbursement of
fees**

**Tribunal
member(s)** : **Judge Tagliavini**

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

Date of decision : **8 February 2022**

DECISION

Covid-19 pandemic: description of hearing

This has been a remote hearing on the papers which has not been objected to by the parties. The form of remote hearing was P:PAPERREMOTE, A face-to-face hearing was not held because it was not practicable, and all issues could be determined on paper.

The tribunal's summary decision

- (1) No Order is made for the reimbursement of the application fee and hearing fee(s), if any.**
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The application and background

1. This is an application seeking the tribunal's determination on the applicant's right to manage the subject property. In a decision dated 24 July 2021 the tribunal determined the substantive preliminary issue between the parties. The respondent sought permission to appeal but this was refused by the Upper Tribunal on 26 October 2021.
2. In an email dated 12 January 2022 from the respondent's legal representatives, it was conceded that the applicant was entitled to acquire the right to manage. Therefore, the only issue remaining between the parties was the reimbursement of the application and hearing fees (if any).
3. In support of this issue, the applicant relied on written submissions dated 12 January 2022 as well as its previous correspondence. The applicant asserted that due to the drawn-out nature of the proceedings, the respondent's managing agents and the landlord with whom it was inextricably linked, had financially benefitted by the continued collection of managing agent's fees in the region of £1,700 per annum. The applicant asserted that the respondent could have conceded the applicant's right to manage at an earlier date and had not corresponded with the tribunal either promptly or all.
4. The respondent relied on written submission dated 12 January 2022 objecting to an Order being made for the reimbursement of fees pursuant to rule 13(2) of The Tribunal Procedure (First-tier) (Property Chamber) Rules 2013. These objections were made on the grounds that the respondent landlord was entitled to protect its interests by challenging the applicant's claim to a right to manage and had gained no advantage in participating in the proceedings which were ultimately decided in the applicant's favour.

The tribunal's decision and reasons

5. The tribunal makes no order for the reimbursement of the application fee and hearing fee(s), if any.
6. Having regard to the tribunal's decision on the preliminary issues, the tribunal considers that the respondent acted appropriately and within

its legitimate rights in objecting to the application. Therefore, the tribunal finds there are no grounds for making an order for the reimbursement of the application fee.

7. The applicant concedes or appears to concede no hearing fees have been paid. However, if a hearing fee had been paid in respect of the hearing on the preliminary issues, the tribunal considers that it is not reasonable for an order for any reimbursement to be made as the respondent was able to put forward an arguable case, even if ultimately unsuccessful. As this application appears now to have been fully concluded by way of concession on the part of the respondent, no final hearing has been required and therefore no (further) hearing fee is payable.
8. In conclusion, the tribunal refuses the applicant's request for the reimbursement of fees.

Name: Judge Tagliavini

Date: 8 February 2022

RIGHTS OF APPEAL

Appealing against the tribunal's decisions

1. A written application for permission must be made to the First-tier Tribunal at the Regional tribunal office which has been dealing with the case.
2. The application for permission to appeal must arrive at the Regional tribunal office within 28 days after the date this decision is sent to the parties.
3. 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.
4. The application for permission to appeal must state the grounds of appeal and state the result the party making the application is seeking. All applications for permission to appeal will be considered on the papers

5. Any application to stay the effect of the decision must be made at the same time as the application for permission to appeal.