



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

**Case reference** : **LON/00BG/LSC/2021/0453**

**Property** : **Flats 1-7 and 9, 40 Bow Common Lane,  
London E3 4AX**

**Applicants** : **The tenants of the above flats**

**Representative** : **Mr N Mina (flat 4) and Mr D Price (Flat  
1)**

**Respondent** : **Assethold Limited**

**Representative** : **Eagerstates Limited**

**Type of application** : **For the determination of an application  
under Section 20C of the Landlord and  
Tenant Act 1985**

**Tribunal members** : **Judge Pittaway  
Ms S Phillips MRICS  
Mr J Naylor MRICS MIRPM**

**Date of decision** : **19 July 2022**

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**DECISION**

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## **Description of hearing**

This has been a remote hearing on the papers which has not 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

## **Decisions of the tribunal**

The tribunal makes an order under section 20C of the Landlord and Tenant Act 1985 so that the respondent may not pass any of its costs incurred in connection with the tribunal's determination of the liability to pay service charges under section 27A of the Landlord and Tenant Act 1985 dated 27 June 2022 made under the same case reference (the '**s27A Determination**') to the applicants

## **Application under s.20C**

1. Contemporaneously with their application for a determination under s27A Landlord and Tenant Act 1985 the applicants made an application under s20C of the 1985 Act that the costs in connection with the proceedings should not be included in any service charge payable by the applicants.
2. At the hearing it was agreed that this application should follow the s27A Determination.
3. The tribunal directed in the s27A Determination that if the respondent wished to challenge the s.20 application it should provide the tribunal and the applicants with full details of the costs being sought by 14 July 2022.
4. As at 18 July 2022 the tribunal had received nothing from the respondent.

## **Reasons for the tribunal's decision**

5. The respondent has not challenged the s.20C application by the applicants as provided for in the s27A Determination.
6. Taking into account the s27A Determination and the absence of challenge by the respondent of the S20C application the tribunal determines that it is just and equitable in the circumstances for an order to be made under s20C of the Landlord and Tenant Act 1985 so that the respondent may not pass any of its costs incurred in connection with the proceedings relating to the s27A Determination before the tribunal through the service charge.

**Name:** Judge Pittaway

**Date:** 19 July 2022

### **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).