



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

Case reference : **LON/00BG/LCP/2023/0001**

Property : **Jacqueline House, 37 White Horse Lane, London E1 3NE**

Applicant : **Magri Builders Limited**

Representative : **PDC Limited**

Respondent : **Jacqueline House RTM Company Limited**

Representative : **N/K**

Type of application : **Costs of a No Fault Right to Manage application – s.88(4) Commonhold and Leasehold Reform Act 2002**

Tribunal member(s) : **Judge Tagliavini
Ms M Krisko FRICS**

Date and venue of hearing : **6 March 2023 at 10 Alfred Place,
London WC1E 7LR**

Date of decision : **25 April 2023**

DECISION

Summary decision of the tribunal

- (1.) The tribunal determines the sum of £1,032.00 is reasonable and payable by the respondent to the applicant pursuant to section 88(4) of the Commonhold and Leasehold Reform Act in respect of the respondent's acquisition of the Right to Manage the subject property.
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The applicant's case

1. The applicant seeks the sum of £1,032.00 in respect of the costs incurred in respect of the respondent's acquisition of a Right to Manage on 5 October 2020.
2. Despite a demand for payment of the above sum, the respondent has failed to reimburse the applicant with these incurred costs.
3. In support of the application the applicant relied upon a bundle of 86 pages which included an invoice from PDC Law to the applicant dated 21 December 2020 (inadvertently referencing another client's details and not those of the applicant, demanding payment of £1,032.00 in respect of the costs incurred in relation to the respondent's application to acquire the Right to Manage. In support of the amount claimed a detailed breakdown of these costs was also provided to the tribunal in a total sum of £1,135.00 of which £1,032.00 is now demanded from the respondent.
4. In a Statement in Response dated 27 March 2023, the applicant accepted an error had been made in the name of the payee in the PDC invoice dated 21 December 2020 This was subsequently explained in a comprehensive email to the respondent from PDC Law dated 26 January 2023 and a corrected invoice was sent to the respondent showing the costs incurred by the applicant. In addition, pursuant to the Tribunal's directions a further copy of the amended invoice together with a breakdown of those costs was provided to the respondent.

The respondent's case

5. In a letter dated 13 February 2023 to the tribunal, the respondent queried the validity of the applicant's demand for costs and denying having received the initial demand for the payment of costs and querying whether the invoice from PDC to the applicant was in fact correct as it referred to another company and not the name of the applicant and it was these incorrect documents that were being relied upon by the applicant in this application to the tribunal. Therefore, payment of the costs demanded had not been made.

The tribunal's decision and reasons

6. The tribunal determines the sum demanded by the applicant of £1,032 is reasonable and payable by the respondent. The tribunal is satisfied that despite the initial confusion that arose as to whether the sums had properly been

incurred by the applicant in respect of the subject property, the tribunal finds this confusion has been repeatedly clarified to the respondent specifically in the email from PDC Law to the respondent dated 26 January 2023. Further, the tribunal finds the costs claimed are reasonable in amount and are costs that would reasonably be expected to have been incurred by the applicant in dealing with the respondent's application to acquire the Right to Manage.

7. Therefore, the sum of £1,032 is payable by the respondent to the applicant.

Name: Judge Tagliavini

Date: 25 April 2023

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).

