



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

Case Reference : **CHI/00HN/LCP/2022/0003**

Property : **Lansdowne Manor,
55 Lansdowne Road,
Bournemouth, Dorset
BH1 1RN**

Applicant : **Assethold Limited**

Representative : **Scott Cohen Solicitors**

Respondent : **Managingbyeus Limited**

Type of Application : **s.88(4) CLRA**

Tribunal Member : **Judge D Dovar**

Date of Decision : **9th June 2023**

DECISION

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1. This an application for the determination the Applicant's costs pursuant to s.88(4) of the Commonhold and Leasehold Reform Act 2002; being costs payable in respect of the acquisition of the right to manage by the Respondent company.
2. The Respondent sought to acquire the right to manage by notice dated 12th October 2021. The Applicant resisted that notice and served a counter-notice. The Respondent did not take matters any further, including by making an application to this Tribunal, and the claim notice was therefore deemed withdrawn.
3. As a result of that withdrawal the Applicant is entitled to their reasonable costs under s.88 (1) of the 2002 Act, so long as the cost of professional services is recoverable only insofar as such services might reasonably be expected to have been incurred by them if they were personally liable for them.
4. Directions were given by the Tribunal on 3rd January 2023, which included notice that the Tribunal intended to deal with this matter without a hearing, neither party has objected to that proposal. The Respondent has not engaged in this application at all and has not provided a case as required by those directions.
5. The Applicant seeks costs of:
 - a. £1,210 plus VAT for solicitors fees;
 - b. £6.85 plus Vat for postage; and
 - c. £450 plus VAT for management fees.

6. I am satisfied that the sum of £1,210 plus VAT for solicitors fees in a specialised and technical area of law are warranted; the hourly rate of £275 is reasonable for this type of work and the hours expended are proportionate.
7. I am also satisfied that the managing agents fees of £450 are warranted given that they provide not only a liaison between solicitors and the landlord but more importantly provide the details upon which the claim notice can be scrutinised and will need to set contingencies in place in the event that the acquisition completes.
8. I am satisfied that the postage is warranted given the importance of ensuring that the counter-notice was served.
9. Accordingly, I determine that £2,000.22 (inclusive of VAT) is payable by the Respondent under s.88(4) of the 2002 Act.

Judge Dovar

Appeals

A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application by email to rpsouthern@justice.gov.uk .

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.

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.

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.