



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

<b>Case reference HMCTS Code</b>	:	<b>CAM/00KB/LACUS/2022/0003 P: PAPERREMOTE</b>
<b>Property</b>	:	<b>Flat 4 River Court , 16A River Street, Bedford MK40 1PX</b>
<b>Applicant</b>	:	<b>Sadie Lou Limited</b>
<b>Respondent</b>	:	<b>Assethold Limited</b>
<b>Type of application</b>	:	<b>For the determination of the liability to pay administration charges</b>
<b>Tribunal members</b>	:	<b>Judge Wayte</b>
<b>Date of decision</b>	:	<b>15 June 2023</b>

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**DECISION ON PERMISSION TO APPEAL**

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DECISION OF THE TRIBUNAL

1. The tribunal has considered the respondent's request for permission to appeal dated 22 May 2023 and determines that:
  - (a) it will not review its decision; and
  - (b) permission be refused.
2. In accordance with section 11 of the Tribunals, Courts and Enforcement Act 2007 and rule 21 of the Tribunal Procedure (Upper Tribunal) (Lands Chamber) Rules 2010, the applicant may make further application for permission to appeal to the Upper Tribunal (Lands Chamber). Such application must be made in writing and received by the Upper Tribunal (Lands Chamber) no later than 14 days after the date on which the First-tier Tribunal sent notice of this refusal to the party applying for permission to appeal.

3. The Upper Tribunal (Lands Chamber) may be contacted at: 5th Floor, Rolls Building, 7 Rolls Buildings, Fetter Lane, London EC4A 1NL (tel: 020 7612 9710); or by email: lands@justice.gov.uk .

#### REASONS FOR THE DECISION

4. The respondent seeks to appeal the determination that the rent collection fee of £36 demanded on 1 December 2021 is not payable and the exercise of the tribunal’s discretion to order the respondent to reimburse the applicant with the application fee of £100, both contained in the decision dated 2 May 2023.
5. In respect of the rent collection fee, the respondent’s grounds submit that they “*clearly advised that this was a service charge and the Tribunal had to deal with [sic]*”, taking issue with paragraphs 17-19 of the tribunal’s decision.
6. As explained in paragraphs 1-10 of the decision, this was an application made under the 2002 Act in relation to an administration fee. In paragraph 17, the tribunal found as a fact that the demand was couched in language that could only be read as one for an administration fee (“*Admin fee for rent collection*” plus prescribed information in respect of Administration Charges) and in the circumstances it was not payable. The tribunal had asked both parties whether they would be willing for the application to be widened to consider whether a rent collection fee could be payable as a service charge, but neither party responded.
7. As to the exercise of the tribunal’s discretion to order reimbursement of the application fee, the respondent claims that “*The tribunal acknowledges that the fee is likely to be payable and had the tribunal not made its own decision to regard this as an administration charge the fee would have been payable, as per the previous decision. As such, it is not just to make such an order and certainly not to prejudice the respondent by having to pay the application fee.*”
8. That claim is not an accurate reading of paragraph 19 of the decision, which acknowledges that a service cost may be payable for rent collection but flags up an issue in respect of the transfer of management functions to the RTM which was not considered by the previous FTT in respect of other flats in the property. In any event that particular fee will be caught by section 20B of the Landlord and Tenant Act 1985 and therefore it cannot be regarded as a relevant cost. The justification for the decision under rule 13(2) of the Tribunal Procedure Rules 2013 is set out in paragraph 21 and is based on the failure of the respondent to demand their rent collection fee as a service cost in the first place, particularly in light of the previous decision which stated that it could not be recovered as an administration charge.

9. In the circumstances the tribunal considers that there is no realistic prospect of a successful appeal in this case.

**Name:** Judge Wayte

**Date:** 15 June 2023