



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

**Case reference** : **LON/00AJ/LCP/2024/0010**

**Property** : **27-32 Cresta Court, Hanger Lane,  
London W4 3DE**

**Applicant** : **Avon Freeholds Limited**

**Representative** : **Scott Cohen Solicitors Limited**

**Respondent** : **Cresta Court F RTM Company Ltd**

**Representative** : **N/A**

**Type of application** : **Application for costs pursuant to  
s.88(4) of the Commonhold and  
Leasehold Reform Act 2002**

**Tribunal  
member(s)** : **Judge Tagliavini  
Mr Andrew Lewicki BSC (Hons) FRICS  
MBEng**

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

**Date of decision** : **6 November 2024**

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**DECISION**

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### **The tribunal's decision**

1. The tribunal determines the respondent is liable to pay to the applicant the total sum of £1,332.85 (inc. VAT), in respect of the costs occasioned by the application for the acquisition of the right to manage the subject property at 27-32 Cresta Court, Hanger Lane, London W4 3DE ('the property').
  2. The tribunal determines the respondent is to reimburse the sum of £110 to the application representing the cost of application fee paid to the tribunal.
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### **The application**

2. This is an application to decide the costs to be paid by an RTM company under s.88(4) of the Commonhold and Leasehold Reform Act 2002 ('the 2002 Act'). The applicant seeks legal costs and disbursements for post and HMLR fees in the sum of £882.85 (inc. VAT and management fees of £450 (inc. VAT)). The applicant also seeks reimbursement of its application fee of £110.

### **The hearing**

3. Neither party requested an oral hearing and therefore, the application was determined on the documents provided by the applicant in the form of a digital bundle comprising 140 pages. The respondent did not seek to object to the application or make any representations.
4. The applicant provided the tribunal with a Schedule of Costs which set out the work undertaken and by the level of fee earner. This Schedule was supported by invoices from the applicant's legal representative and its managing agent.
5. In support of the application for costs, the applicant set out in its Statement of Claim dated 2 October 2024 a detailed account of how its costs had been incurred.

### **The tribunal's reasons**

6. In making its decision the tribunal had regard to s.88(1)(2)(3) and (4) of the 2002 Act, the relevant parts of which states:

*(1) A RTM company is liable for reasonable costs incurred by a person who is—*

*(a) landlord under a lease of the whole or any part of any premises,*

*(b) party to such a lease otherwise than as landlord or tenant,*  
or

*(c) a manager appointed under Part 2 of the 1987 Act to act in relation to the premises, or any premises containing or contained in the premises,*

*in consequence of a claim notice given by the company in relation to the premises.*

*(2) Any costs incurred by such a person in respect of professional services rendered to him by another are to be regarded as reasonable only if and to the extent that costs in respect of such services might reasonably be expected to have been incurred by him if the circumstances had been such that he was personally liable for all such costs.*

*(3) A RTM company is liable for any costs which such a person incurs as party to any proceedings under this Chapter before the appropriate tribunal only if the tribunal dismisses an application by the company for a determination that it is entitled to acquire the right to manage the premises.*

*(4) Any question arising in relation to the amount of any costs payable by a RTM company shall, in default of agreement, be determined by the appropriate tribunal.*

6. In the absence of any objection by the respondent to the amount of the costs claimed by the respondent and having regard to the test set out in s.88 of the 2002 Act, the tribunal determines the amount of the costs sought by the applicant are reasonable and payable by the respondent.
7. Further, the tribunal considers it reasonable for the respondent to reimburse the applicant, the cost of this application in the sum of £110.00.

**Name: Judge Tagliavini**

**Date: 6 November 2024**

## **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 should be made on Form RP PTA available at <https://www.gov.uk/government/publications/form-rp-pta-application-for-permission-to-appeal-a-decision-to-the-upper-tribunal-lands-chamber>

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).