



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

Case reference : LON/OOAF/LAC/2025/0628

Property : 20 Minshull Place, Park Road,
Beckenham, BR3 1QF

Applicant : Silkbird Ltd

Representative : Mr Bryden of Counsel

Respondent : Park Rutland Investments (London)
Limited

Representative : Mr Beetson of Counsel

Type of application : An application under paragraph5,
Schedule 11 to the Commonhold and
Leasehold Reform Act

Tribunal : Tribunal Judge I Mohabir
Mr D Jagger MRICS

Date of decision : 8 June 2026

DECISION

1. By an application dated 21 August 2025, the Applicant seeks a determination under paragraph 5 in Schedule 11 to the Commonhold and Leasehold Reform Act 202 (as amended) (“the Act”) as to whether administration charges are payable and/or reasonable. The administration charges are the various parking penalty charges demanded from Mr Popov, who is a Director of the Applicant company, for the period 27 August to 25 October 2024 totalling £2,040.
2. The Applicant also seeks an order for the limitation of the landlord's costs in the proceedings under section 20C of the Act and an order to reduce or extinguish the tenant's liability to pay an administration charge in respect of litigation costs, under paragraph 5A of Schedule 11 to the Commonhold and Leasehold Reform Act 2002.
3. The Applicant is the leaseholder of 20 Minshull Place, Park Road, Beckenham, BR3 1QF (“the property”), which is described as being a development consisting of three blocks of flats (two adjoining each other) with a total of 24 flats. There is also a drive at the front of the property leading to garages at the rear. There are currently four parking areas designated by the Respondent. The Respondent is the freehold owner of the property and the Applicant's immediate landlord.
4. For reasons that will become apparent, it is not necessary to set out any of the relevant lease terms that give rise to a contractual liability on the part of the Applicant to pay administration charges to the Respondent.

Relevant Law

5. This is set out in the Appendix annexed hereto.

Decision

6. The hearing in this case took place on 3 June 2026. The Applicant and the Respondent were represented by Mr Bryden and Mr Beetson of Counsel respectively.
7. At the outset of the hearing, Mr Bryden confirmed that the challenge made by the Applicant to the parking penalty charges was that it was not liable for the charges because the Respondent had unreasonably imposed a parking management scheme on the estate.
8. The Tribunal expressed the view to Mr Bryden that it did not appear to have jurisdiction under paragraph 5 in Schedule 11 to the Act to make a determination about whether the imposition of such a scheme was reasonable or not because it had no declaratory powers.
9. He submitted that the Tribunal could only make a finding on liability having first determined whether or not the scheme had been validly implemented by the Respondent. However, he conceded that that it was an arguable point.

10. It was not necessary for the Tribunal to decide this point because it ruled that it did not have jurisdiction to determine the application for the following separate reasons:
 - (a) the parking penalty charges were only claimed against Mr Popov, who is a Director of the Applicant and not against the Applicant itself. No liability arose on the part of the Applicant in respect of the penalty charges. The Tribunal could only make a determination of what administration charges the Applicant had to pay and whether they are reasonable and not as against Mr Popov. Indeed, the parallel County Court proceedings to recover the penalty charges is between the parking company, UK Car Park Management Limited, and Mr Popov. Therefore, the Tribunal concluded that the Applicant has no standing to make the application.
 - (b) In addition, the penalty charges claimed by the parking company are not claimed under the Applicant's lease or by the Respondent as such. They are claimed pursuant to a separate contract made between the Respondent and the parking company. Therefore, the Tribunal also concluded that it had no jurisdiction under paragraph 5 in Schedule 11 to the Act to make any determination in relation to the penalty charges because they do not fall within the definition of "administration charges" in paragraph 1 in Schedule 11 to the Act.
11. The Tribunal refused Mr Bryden's application to transfer the case to the County Court under Regulation 6(n) in the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 ("the Procedural Rules") to be consolidated with the parallel proceedings there because this case concerns entirely different parties and issues.

Costs

Section 20c & paragraph 5A of Schedule 11 in the 2002 Act

12. Mr Beetson, for the Respondent, conceded that his client had no entitlement to its costs of the proceedings either under section 20C or paragraph 5A in Schedule 11 to the Act. Accordingly, these applications made by the Applicant are dismissed.
13. However, Mr Beetson indicated that his client would make or is contemplating making an application under Rule 13 of the Procedural Rules. In the event that such an application is made, it will have to be case managed separately.
14. It follows that because the application has not succeeded, the Tribunal made no order requiring the Respondent to reimburse the Applicant any fees it has paid to the Tribunal to have the application issued and heard.

Name: Tribunal Judge I Mohabir

Date: 8 June 2026

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).

Appendix of relevant legislation

Schedule 11 to the Commonhold and Leasehold Reform Act 2002

1(1) In this Part of this Schedule “administration charge” means an amount payable by a tenant of a dwelling as part of or in addition to the rent which is payable, directly or indirectly—

(a) for or in connection with the grant of approvals under his lease, or applications for such approvals,

(b) for or in connection with the provision of information or documents by or on behalf of the landlord or a person who is party to his lease otherwise than as landlord or tenant,

(c) in respect of a failure by the tenant to make a payment by the due date to the landlord or a person who is party to his lease otherwise than as landlord or tenant, or

(d) in connection with a breach (or alleged breach) of a covenant or condition in his lease.

(2) But an amount payable by the tenant of a dwelling the rent of which is registered under Part 4 of the Rent Act 1977 (c. 42) is not an administration charge, unless the amount registered is entered as a variable amount in pursuance of section 71(4) of that Act.

(3) In this Part of this Schedule “variable administration charge” means an administration charge payable by a tenant which is neither—

(a) specified in his lease, nor

(b) calculated in accordance with a formula specified in his lease.

(4) An order amending sub-paragraph (1) may be made by the appropriate national authority.

Liability to pay administration charges

5(1) An application may be made to the appropriate tribunal for a determination whether an administration charge is payable and, if it is, as to—

(a) the person by whom it is payable,

(b) the person to whom it is payable,

(c) the amount which is payable,

(d) the date at or by which it is payable, and

(e) the manner in which it is payable.

(2) Sub-paragraph (1) applies whether or not any payment has been made.

(3) The jurisdiction conferred on the appropriate tribunal in respect of any matter by virtue of sub-paragraph (1) is in addition to any jurisdiction of a court in respect of the matter.

(4) No application under sub-paragraph (1) may be made in respect of a matter which—

(a) has been agreed or admitted by the tenant,

- (b)has been, or is to be, referred to arbitration pursuant to a post-dispute arbitration agreement to which the tenant is a party,
- (c)has been the subject of determination by a court, or
- (d)has been the subject of determination by an arbitral tribunal pursuant to a post-dispute arbitration agreement.
- (5) But the tenant is not to be taken to have agreed or admitted any matter by reason only of having made any payment.
- (6) An agreement by the tenant of a dwelling (other than a post-dispute arbitration agreement) is void in so far as it purports to provide for a determination—
 - (a)in a particular manner, or
 - (b)on particular evidence,
 of any question which may be the subject matter of an application under subparagraph (1).

Section 20C

(1) A tenant may make an application for an order that all or any of the costs incurred, or to be incurred, by the landlord in connection with proceedings before a court, residential property tribunal or the Upper Tribunal, or in connection with arbitration proceedings, are not to be regarded as relevant costs to be taken into account in determining the amount of any service charge payable by the tenant or any other person or persons specified in the application.

(2) The application shall be made—

- (a) in the case of court proceedings, to the court before which the proceedings are taking place or, if the application is made after the proceedings are concluded, to a county court;
- (aa) in the case of proceedings before a residential property tribunal, to that tribunal;
- (b) in the case of proceedings before a residential property tribunal, to the tribunal before which the proceedings are taking place or, if the application is made after the proceedings are concluded, to any residential property tribunal;
- (c) in the case of proceedings before the Upper Tribunal, to the tribunal;
- (d) in the case of arbitration proceedings, to the arbitral tribunal or, if the application is made after the proceedings are concluded, to a county court.

(3) The court or tribunal to which the application is made may make such order on the application as it considers just and equitable in the circumstances.

Commonhold and Leasehold Reform Act 2002

Schedule 11, paragraph 5A

- (1) A tenant of a dwelling in England may apply to the relevant court or tribunal for an order reducing or extinguishing the tenant's liability to pay a particular administration charge in respect of litigation costs.
- (2) The relevant court or tribunal may make whatever order on the application it considers to be just and equitable.
- (3) ...

Leasehold Valuation Tribunals (Fees)(England) Regulations 2003

Regulation 9

- (1) Subject to paragraph (2), in relation to any proceedings in respect of which a fee is payable under these Regulations a tribunal may require any party to the proceedings to reimburse any other party to the proceedings for the whole or part of any fees paid by him in respect of the proceedings.
- (2) A tribunal shall not require a party to make such reimbursement if, at the time the tribunal is considering whether or not to do so, the tribunal is satisfied that the party is in receipt of any of the benefits, the allowance or a certificate mentioned in regulation 8(1).