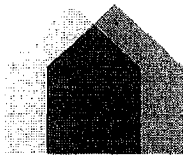


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**Residential
Property**
TRIBUNAL SERVICE

**LONDON RENT ASSESSMENT PANEL
LEASEHOLD VALUATION TRIBUNAL**

Case Reference: LON/O0BA/LCP/2008/0010

**THE LEASEHOLD VALUATION TRIBUNAL ON AN APPLICATION UNDER
SECTION 88 of the Commonhold and Leasehold Reform Act 2002**

Applicant: Ground Rents (Regisport) Ltd

Represented by Wallace LLP. Solicitors

Respondent: Bennetts Courtyard RTM Ltd

Represented by Elizabeth Collins

Premises: 1 – 52 Bennetts Courtyard, Watermill Way, London SW19 2RW

Date of Application: 12 November 2008

**Leasehold Valuation Tribunal: Mrs B. M. Hindley LL.B
Mr W J Reed FRICS**

Date of Tribunal's Determination: 12 January 2009

1. An application under Section 88 of the Commonhold and Leasehold Reform Act 2002 was made on 12 November 2008 by Wallace LLP acting on behalf of Ground Rents (Regisport Ltd) the landlord of 1 – 52 Bennetts Courtyard, Watermill Way, London SW19.
2. Attached at Annex 1 is a copy of the relevant Section.
3. On 25 September 2008 a decision by the Leasehold Valuation Tribunal had been issued on an application under Section 84 of the Act to the effect that the applicants (Bennetts Courtyard RTM Ltd) was not, on the relevant date, entitled to acquire the right to manage the premises.
4. In response to Directions issued on 17 November 2008 Elizabeth Collins, a Director of Bennetts Courtyard RTM Ltd wrote on 21 December 2008 to the Tribunal that 'we have never disputed any costs. As such we will not be requesting an oral hearing.'
5. Accordingly, there is no issue for the Tribunal to determine, the costs having been accepted by the parties.

Chairman



Date

12/1/09.

88 Costs: general

- (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 a leasehold valuation 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 a leasehold valuation tribunal.

[1172]

NOTES

Commencement: 30 September 2003 (in relation to England); 30 March 2004 (in relation to Wales).