



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

Case Reference : **LON/00AR/LCP/2014/0009**

Property : **13 – 24 Romside Place, Brooklands Lane, RM7 7EE**

Applicant : **Assehold Limited**

Representative : **Conway Solicitors**

Respondent : **Various Lessees as members of the RTM Company**

Representative : **N/A**

Type of Application : **Landlords costs claimed in relation to Right to Manage**

Tribunal Members : **Judge Carr
Mr Jagger**

Date and venue of Hearing : **10 Alfred Place, London WC1E 7LR**

Date of Decision : **19th August 2014**

DECISION

Decisions of the tribunal

- (1) The Tribunal determines that costs claimed by the Applicant are reasonable and payable.
- (2) The Tribunal makes the determinations as set out under the various headings in this Decision

The application

1. The Applicant has made an application to the tribunal under section 88(4) of the Commonhold and Leasehold Reform Act 2002 for a determination of its reasonable costs in relation to the claim notice dated 16th March 2012 .
2. On 3rd July 2014 the LVT issued directions in this matter and determined (i) that the matter be decided on the basis of written representations alone and without an oral hearing unless either party requested an oral hearing. Neither party made any such request and therefore the matter is being determined without an oral hearing on the basis of the papers provided by the parties.

The issues

3. The tribunal has identified the relevant issue for determination as follows:
 - (i) Are the Applicant's costs reasonable and payable by the Respondents.

The law

4. Sections 71 – 94 of the Act set out the statutory framework for the acquisition of the Right to Manage. The relevant sections for the purposes of this determination are s.88(4).

Reasonableness of costs

5. Only one response from a lessee has been received in response to the application. That lessee, John Ashe argues that the costs in relation to the RTM claim are not reasonable. In particular he argues:
 - (i) Assethold Limited should have respected the wishes of the leaseholders to gain the right to manage

- (ii) Members of the Right to Manage company were not given any notice by Assethold Limited regarding their appeal preventing their right of reply.
6. The Applicant's solicitor argues in response that neither of these arguments relate to the issue of the costs claimed in the matter and submits that the costs are payable by the company and in turn by the individual members under section 88 of the Commonhold & Leasehold Reform Act 2002.
 7. The Applicant's solicitor goes further and suggests that as Mr Ashe's response raises serious allegations against the conduct of the Respondent's representative the tribunal consider whether it would be appropriate to make an order requiring those representatives to respond to the allegations and to consider the tribunal's power to make a wasted cost order under s.29 of the Tribunals Court and Enforcement Act 2007.

The tribunal's decision

8. The tribunal determines that the amount claimed in costs in connection with the RTM claim is reasonable and payable.
9. It determines in addition not to respond to the Applicant's suggestion of requiring the Respondents representatives to respond to the allegations. The Respondents may choose to seek legal advice on the matter, but any course of action in relation to any alleged failings by their representatives falls outside of the tribunal's jurisdiction.

Reasons for the tribunal's decision

10. The tribunal has perused the claim presented by the Applicant carefully. In particular it notes the provisions in the contract with the managing agents entitling the managing agents to charge £150 per hour in connection with additional work, it notes that the charging rates of the solicitor and the barristers involved in responding to the claim fall within a reasonable band of charges and it notes that the hours charged in relation to the claim, in the absence of any argument to the contrary, appear to be reasonable.

Name: Helen Carr

Date: 19th August 2014