

**Residential  
Property  
TRIBUNAL SERVICE**

LEASEHOLD VALUATION TRIBUNAL FOR THE LONDON RENT ASSESSMENT  
PANEL

LON/00AU/LRM/2008/0015

Applicant: Drayton Park Management RTM Co Ltd

Respondent : Freehold Managers (Nominees) Ltd

Property: 100 Drayton Park London N5 1NF

Leasehold Valuation Tribunal : Mrs F J Silverman Dip Fr LLM  
Mr P Tobin FRICS

Paper determination on 6 May 2009

DECISION OF THE LEASEHOLD VALUATION TRIBUNAL ON AN APPLICATION  
UNDER s84 COMMONHOLD AND LEASEHOLD REFORM ACT 2002

DECISION

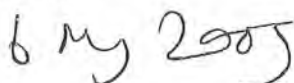
The Respondent's application for costs is refused.

## REASONS

- 1 By an application dated 12 December 2007 the Applicants applied to the Tribunal for the right to manage the property under the provisions of s84 Commonhold and Leasehold Reform Act 2002.
- 2 The Applicants also wished the Tribunal to determine an issue relating to the insurance of the property but has by letter dated 23 February 2009 elected not to pursue that matter.
- 3 The parties had agreed that they wished the case to be dealt with by a paper determination.
- 4 Both parties' solicitors wrote to the Tribunal confirming that the Respondent had agreed that the Applicants had the right to manage the property (letter from Applicant dated 17 April 2009, undated letter from Respondent received by the Tribunal on 20 April 2009). This matter does not therefore fall to be determined by the Tribunal since the right to manage has now, by agreement between the parties, passes to the Applicants on 1 August 2009.
- 5 The Respondent sought to recover costs from the Applicants . The costs application was contested by the Applicants who said that it would not be reasonable to make an award of costs against them since the Respondent's counter-notice had been drafted on grounds which were ineffective and the Respondent had failed to comply with Directions made by the Tribunal.
- 6 The Tribunal noted that the Respondent's counter-notice had been merely challenged the constitution of the Applicant company and had not challenged the right to manage. Their objections had been dismissed at a pre-hearing review conducted by the Tribunal on 10 March 2008 and recorded in a decision dated 8 April 2008. The Tribunal also noted that there had been no response or statement of case filed by the Respondent despite being ordered by the Tribunal to do so. The Respondent appeared to have taken very little part in the proceedings and had not provided the Tribunal with any indication of the amount of costs which they sought to recover.
- 7 The Tribunal considers that in these circumstances it would be unreasonable to make an order for costs against the Applicants and the Respondent's application for costs is refused.

  
Frances Silverman

Chairman

  
6 May 2009