



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

Case reference : LON/00AN/LCP/2021/0004

HMCTS code : P: PAPERREMOTE

Property : Peterborough Mansions, 69 New Kings Road, London SW6 4SF

Applicant : Peterborough Mansion RTM Company Limited

Representative : Christopher James Hyslop

Respondent : Oakfern Properties Limited

Type of application : Costs – s.88(4) Commonhold and Leasehold Reform Act 2002

Tribunal members : Judge Tagliavini
Mr Anthony Harris LLM FRICS FCI Arb

Venue : 10 Alfred Place, London WC1E 7LR

Date of decision : 27 October 2021

DECISION

Covid-19 pandemic: description of hearing

This has been a remote hearing on the papers which has not objected to] by the parties. The form of remote hearing was P: PAPERREMOTE. A face-to-face hearing was not held because it was not practicable, and all issues could be determined in a remote hearing/on paper. The documents that the Tribunal were referred to are in a bundle of 378 pages, the contents of which have been noted.

The tribunal's summary decision

- (1) The tribunal finds that the reasonable costs payable by the applicant RTM Company to the respondent is £2,931.60.**
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The application

1. This is an application made pursuant to section 88(4) of the Commonhold and Leasehold Reform Act 2002 ('the 2002 Act') seeking the tribunal's determination as to the reasonable costs payable by the applicant, in respect of the acquisition of the right to manage the premises situate at Peterborough Mansions, 69 New Kings Road, London SW6 4SF ('the premises').

Background

2. The applicant has sought to acquire the right to manage the subject premises by the service of a Notice of Claim. However, the respondent disputed the validity of the Notice, which culminated in the service of multiple Notices due to several significant errors made by the applicants.

The applicant's case

3. The applicant asserts that the reasonable costs payable inclusive of VAT and disbursements amount to £899.40. The applicant relied upon a Statement of Case (undated) which set out in detail the history of the acquisition of the right to manage and the objections to the respondent's claim for legal costs. In summary, the applicant asserted that the costs were excessive and that a reasonable sum amounted to £899.40 (inclusive of VAT and disbursements).

The respondent's case

4. The respondent claims the sum of £2,380 (plus VAT) and disbursements of £63.00 (plus VAT) amounting to a total sum of £2,931.60. In a letter dated 2 July 2021, the respondent provided a detailed account of the costs incurred and provided copies of the invoices in support. In addition, the respondent provided the tribunal with a copy of the detailed response to the RTM Company's complaint about the conduct of the respondent's representatives in the applicant's acquisition of the right to manage the subject property.

The tribunal's decision and reasons

5. The tribunal determines that the legal fees and disbursements claimed by the respondent in the sum of £2,931.60 (inclusive of VAT) are reasonable and payable.
6. The tribunal considers that an application seeking the right to manage requires specialist expertise of a senior legal practitioner, in view of the serious repercussions that can arise, if the matter is not conducted in accordance with the legal requirements. The tribunal considers it was reasonable for the respondent to engage the services of a partner in the legal firm engaged and that the hourly rate charged is reasonable for a non-central London solicitor.
7. The tribunal does not accept the applicant's assertions that the whole of the right to manage acquisition could be properly and reasonably managed for less than £900 (including VAT and disbursements) and finds this figure to be wholly unrealistic. Nor does the tribunal accept the applicant's assertions that the law applying to the right to manage is straightforward and uncomplicated.
6. Therefore, the reasonable costs payable by the applicant to the respondent is the sum of £2,931.60.

Name: Judge Tagliavini

Date: 27 October 2021

Rights of appeal from the decision of the tribunal

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).