



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

**Case Reference** : **CHI/00HN/LCP/2013/0006**

**Property** : **Valcourt, 18 Branksome Wood Rd,  
Bournemouth, Dorset, BH4 9JY**

**Applicant** : **A Lambert Flat Management  
Limited**

**Representative** : **Coles Miller LLP**

**Respondent** : **Valcourt Flat Management  
RTM Company Limited**

**Representative** : **HGW Solicitors**

**Type of Application** : **Determination of s88 Costs**

**Tribunal Members** : **Judge D Dovar  
(Chairman)**

**Date and venue of  
Hearing** : **11<sup>th</sup> July 2013 (Paper Determination)**

**Date of Decision** : **24<sup>th</sup> July 2013**

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**DECISION**

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1. This is a determination of the costs payable by the Respondent RTM Company to the Applicant pursuant to s88 of the Commonhold and Leasehold Reform Act 2002 ('the 2002 Act').
2. By a determination dated 6<sup>th</sup> February 2012 it was determined that the Respondent was not entitled to acquire the Right to Manage the Property pursuant to the Right to Manage provisions of the 2002 Act.
3. Accordingly, the Respondent became liable to pay the costs incurred by the Applicant in those proceedings under s88 (3) of the 2002 Act as well as the reasonable costs of the Claim Notice under s88 (1).
4. By an application dated 23<sup>rd</sup> April 2013, the Applicant sought a determination of those costs.
5. Directions were given on 25<sup>th</sup> April 2013, notifying the parties that the matter would be determined without a hearing and for the Applicant to provide by 23<sup>rd</sup> May 2013, a detailed breakdown of its claim for costs and for the Respondent to put in any points of dispute by 20<sup>th</sup> June 2013.
6. The Applicant submitted a breakdown of their costs in which it claimed £954.80 plus VAT under s88(1); being costs incurred up to the service of the Counter Notice on 13<sup>th</sup> October 2011 and £1,432.20 plus Vat under s88(3).
7. The Respondent has not provided any points of dispute or any submissions in relation to this application.
8. Given that the Respondent raises no points of dispute and the fact that the total amount claimed appears to the Tribunal to be within that to be expected for dealing with a claim and proceedings under the 2002 Act, the Tribunal allows the sum claimed in full.
9. The Tribunal therefore determines that in respect of the s88(1) and (3) costs, the Respondent shall pay the Applicant the sum of £2,387 plus Vat by 24<sup>th</sup> August 2013.



Judge D Dovar  
(Chairman)

## Appeals

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28-day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.