

REF LON/00AX/LAM/2005/0014

IN THE LEASEHOLD VALUATION TRIBUNAL

**IN THE-MATTER OF THE LANDLORD AND TENANT ACT
1985SECTION 24**

Address 71 King Charles Road Surbiton Surrey KT5 8PG

Applicant Clifford Cope and others
Represented by Ms T Jones of Palmers Solicitors

Respondent Junelike Limited

Represented by did not appear

The Tribunal
Mr P Leighton LLB (Hons)
Mr M Mathews FRICS
Mrs S Baum JP

Hearing Date 27th October and 23rd November 2005

Date of Decision 27th November 2005

Introduction

- 1 The Applicant applies under Section 24 for an appointment of manager for the property known as 71 King Charles Road Surbiton Surrey SK8 8PG("the property" by application dated 24th June 2005
- 2 A pre trial review was held on 20th July at which the Respondent did not attend .directions were given for the hearing on 27th October 2005 with which the Applicant and his solicitors have complied but the Respondent took no step in the proceedings until the day before the case was listed
- 3 On 27th October 2005 the Respondent wrote asking for an adjournment which the Applicants agreed to and the Tribunal granted with some reluctance ,but with a view to assisting the parties to reach a settlement of their differences
The application was adjourned to 23rd November

The Hearing

- 4 At the resumed hearing on 23rd November ms Jones appeared for the Applicant and the landlord again did not appear but wrote to the tribunal confirming that terms had been agreed between the parties which entailed the appointment of Mr Robert Heald FRICS of Wallakers to take over the management of the property as a result of which the Applicant would no longer pursue the application
- 5 Ms Jones raised the question of Section 20C costs, reimbursement of fees and the payment of costs by the landlord under Schedule 12 Paragraph 10 of the Commonhold and Leasehold Reform Act 2002
- 6 The Tribunal considered that if the landlord had incurred any costs in the proceedings which seemed unlikely, such costs should not be added to the service charge account and an order under Section 20C of the Landlord and Tenant Act 1985 would be made
- 7 Further the Applicant sought reimbursement of fees in the sum of £300 and the Tribunal granted this sum on the grounds that the Applicant had had to bring the proceedings which seemed entirely justified and to which it appeared that there was no defence.
- 8 In addition the Applicant sought an order for costs under Schedule 12 Paragraph 10 of the Commonhold and Leasehold Reform Act 2002 on the grounds that the landlord had behaved unreasonably in the proceedings .the

landlord had failed to attend the pre trial review or comply with the directions, had sought an adjournment on the grounds of ill health at the last minute on 27th October as a result of which the Applicant had incurred over £200 in costs

- 9 The Tribunal considered that the landlord had behaved unreasonably in the conduct of the proceedings for the reasons stated above and that this had resulted in two hearings. The Tribunal therefore awarded the Applicant a further sum of £350 under this head making a total sum of £650 to be paid by the landlord

Chairman

Peter Leighton



Date

23rd November 2005