

LON/00AF/LRM/2005/0009

**DECISION OF THE LEASEHOLD VALUATION TRIBUNAL ON APPLICATIONS
UNDER THE COMMONHOLD AND LEASEHOLD REFORM ACT 2002**

Applicants: Red Lodge (West Wickham) Management Ltd

Respondent: Blencare Limited

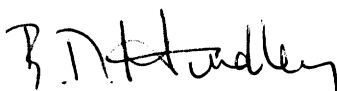
Re: Red Lodge, Red Lodge Road, West Wickham, Kent BR4 0EL

Members of the Residential Property Tribunal Service:

Mrs B M Hindley LLB
Mr M A Mathews FRICS

1. An application, dated 22 August 2005, was made to determine whether the applicant, Red Lodge (West Wickham) Management Ltd, was entitled to acquire the right to manage the subject premises.
2. A counter notice, dated 21 June 2005, had been served by the respondent landlords stating that no notice of claim had been served on them.
3. On 23 August 2005, as a result of a pre trial review, Directions were issued that the matter be determined without a hearing.
4. By 19 September 2005, the date of the paper consideration, the respondents had admitted that they had, in fact, received a valid notice of claim, dated 13 May 2005. They were, therefore, no longer maintaining their position that they had not received the application and, as a consequence, were withdrawing their counter notice.
5. Accordingly, on 19 September 2005, the only issue remaining for the Tribunal was the issue of costs as mentioned in the Directions following the pre trial review.
6. On 6 September 2005 submissions were received from Wallace LLP, solicitors for the respondents, to the effect that service of the counter notice had not been spurious or done in bad faith to deprive the applicants of entitlement.
7. On 7 September 2005 the applicants wrote indicating that their costs totalled £123, made up of photocopying (£5), phone calls (£5), recorded delivery (£13) and four hours of additional advice work at £25 per hour.
8. Whilst the Tribunal considered that the service of the counter notice arose as a result of the respondents' poor internal systems, they were not persuaded that this inefficiency came within the definitions set out in paragraph 10 of Schedule 12 of the Commonhold and Leasehold Reform Act 2002.
9. Accordingly, the Tribunal makes no order as to costs.

Chairman



Date

21/9/05