

**LEASEHOLD VALUATION TRIBUNAL****DECISION OF THE LEASEHOLD VALUATION TRIBUNAL**

Property:	4 Low Mill, Caton, Lancaster LA2 9HY
Applicants:	Conal Stuart Riley and Joan Riley
Respondent:	Finchfive Low Mill (Caton) Limited
Case Number:	MAN/30UH/OAF/2011/0022
Date of Application:	3 November 2011
Type of Application:	Application under the Leasehold Reform Act 1967, Section 21(2) for a determination of the provisions which ought to be contained in the conveyance.
Tribunal:	Mr G C Freeman Mrs E Thornton-Firkin B. Sc. MRICS
Date of Hearing:	13 th March 2012
Date of Decision:	4 th April 2012

ADDENDUM

1. This addendum is made further to the decision of the Tribunal issued on 4th April 2012.
2. At the hearing, the Applicants made an application for the Applicants' legal costs to be paid by the Respondent. The grounds for the application were delay in agreeing the form of transfer, and the flat owners had refused to take the advice of their own lawyers. The Respondent argued that any delay was not unreasonable, that the Applicants had contributed to the delay, and that the diverse views of the residents had to be taken into account. The Tribunal made a decision on costs but it was omitted from the decision.

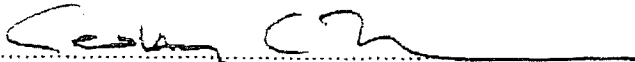
3. Section 9(4A) of the Leasehold Reform Act 1967 states that "*subsection 4 above does not require a person to bear the costs of another person in connection with an application to the Leasehold Valuation Tribunal*". Accordingly, the Tribunal has no jurisdiction to make an award of costs under the Act.

4. The Tribunal has power to order the payment of costs by one party to the other where that party has acted frivolously, vexatiously, disruptively or otherwise unreasonably in connection with the proceedings. The costs awarded must not exceed £500.00. (Paragraph 10 of Schedule 12 of the Commonhold and Leasehold Reform Act 2002).

5. The Tribunal considered the conduct of the parties and concluded that neither party had acted in such a way as to warrant an order for costs. The Tribunal also considered an application for an order for costs under section 20C of the Landlord and Tenant Act 1985. This provides for a Tribunal to disallow the costs incurred by the Management Company of the application in calculating service charge payable for the Property. The Tribunal did not consider an order to be appropriate since Mr Riley would not be paying a service charge following his purchase of the freehold.

6. **The Tribunal therefore makes no order for the payment of costs.**

Dated 17th May 2012



Geoffrey C. Freeman
Chairman