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

Case Reference : **CHI/00ML/LCP/2014/0022**

Property : **53 Brunswick Place Hove BN3 1NE**

Applicant : **Falcon Heath Limited**

Representative : **Coole & Haddock Solicitors**

**Respondent
Ltd** : **53 Brunswick Place RTM Company**
Ms. R J Bunbury

Tribunal Members : **Judge D. R. Whitney**
R. Athow FRICS

Date of Decision : **21st July 2014**

DECISION

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BACKGROUND

1. The application was originally made by the freeholder of 53 Brunswick Place ("the Property") to determine the costs payable to the freeholder following a Right to Manage claim and also to determine the reasonableness of the freeholders costs for granting a licence for alterations to the leaseholder of Flat 2 at the Property, Ms Bunbury.
2. Subsequently the Applicant and the First Respondent, 53 Brunswick Place RTM Company Limited confirmed that the costs payable by the First Respondent to the Applicant had been agreed and the tribunal was no longer required to determine the same.
3. Directions were issued by the tribunal on 20th May 2014. These confirmed that the only matter to be determined was the question of administration fees to be paid by the Second Respondent, Ms. Bunbury.
4. The Applicants were directed to file a supplemental statement of case by 11th June 2014 which they did by way of letter from Messrs. Coole & Haddock solicitors dated 10th June 2014.
5. The Second Respondent was directed to file a supplemental statement by 25th June 2014 but nothing has been received.
6. The tribunal makes its determination on the papers in accordance with the Directions referred to above.

DECISION

7. The tribunal determines that the costs claimed by the Applicants for granting a licence for consent to alterations to flat 2 at the Property in the sums of £300 administration fee and solicitors costs of £552 inclusive of VAT (£460+VAT) are reasonable and payable by the Second respondent if she wishes to be granted licence for alterations.
8. Further it is reasonable for the Applicants to impose a condition that all necessary consents have been obtained or if no consents have been obtained evidence that none are required for the works.

DISCUSSION

9. Ms Bunbury sent an email to the Applicants dated 25th November 2013 that she intended to undertake works to her flat, flat2, including undertaking structural alterations. Solicitors for the Applicant replied on their behalf indicating that they would require a specification of works including plans and copies of any and all necessary consents for

planning and building regulations control. The email was dated 27th November 2013.

10. No substantive response was received and the Applicant's solicitors indicated by email on 18th December 2013 that at that time the Applicant objected to the granting of any approval.
11. Ms Bunbury sent an emailed reply on 27th December 2013 to the Applicants solicitors indicating that she was postponing "this matter" which the tribunal presumes relates to the granting of consent.
12. Ms Bunbury filed a statement of case dated 25th March 2014. The Applicants filed a written statement of case dated 7th April 2014.
13. The Applicants indicate that they will grant consent provided they have evidence of all necessary consents have been obtained or that no consents are required and payment of certain costs.
14. It is unclear whether Ms Bunbury intends to proceed with the works.
15. The tribunal has had regard to all the correspondence. Including the plans attached to Ms Bunbury's statement of case. It appears on the face of it that structural works are to be undertaken to Flat 2 with the floor plan of the same changing substantially. Having regard to the lease dated 14th March 1990 and in particular clause 3.5 of that lease consent in writing is required for any alterations.
16. This tribunal considers it entirely reasonable that the Applicant wishes to be satisfied that necessary consents are in place. It is reasonable for the Applicant to require sight of the same or evidence that consents are not required. Whilst there may be an RTM company in place the Applicant still has an interest in the building. In this tribunals determination this is a reasonable condition.
17. The Applicant also seeks an administration fee and solicitors costs for drawing up the formal licence to these works.
18. The administration fee includes matters as set out in Coole & Haddocks letter of 10th June 2014. The solicitors cost sought amount to two hours work for a partner of over 20 years qualification. Only two hours' work is sought at £230/hour plus VAT.
19. The tribunal notes that whilst no detailed breakdown of the amounts claimed is given no point has been raised by the Second Respondent as to the quantum

20. In this tribunal's determination the fees claimed are reasonable. It is clear consideration would need to be given to the application by the Applicant who would then need to liaise with their solicitors for a formal licence to be drawn up, approved and completed and it is reasonable for the Applicant to instruct a solicitor whom they routinely instruct to deal with the same.

JUDGE D. R. WHITNEY

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.