



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

Case Reference : CHI/OOHN/LLC/2019/0003

Property : Admirals Walk, 30 West Cliff Road,
Bournemouth BH2 5HH

Applicant : Mr Dixon, Mr Bell, Dr Cooper

Representative :

Respondent : Admirals Walk 2000 Limited

Representative : Napier Management Services Limited

Type of Application : Application for a Section 20C Order

Tribunal Member(s) : Judge Tildesley OBE

Date of Decision : 19 July 2019

DECISION

1. The Applicants seek an order for the limitation of the landlord's costs under Section 20C of the Landlord and Tenant Act 1985 of the service charge proceedings brought by the Respondent which were heard on 21 May 2019 under case reference CHI/00HN/LIS/2018/0066.
2. Mrs Lacey Payne has confirmed that no costs relating to the above proceedings including those for the attendance of Ellis Belk have been made from the service charge funds for Admirals Walk. Mrs Lacey Payne considered that there was no substance to the section 20C application nor any expenditure that falls within the Tribunal's jurisdiction.
3. The Tribunal does not understand the point about the Tribunal's jurisdiction. The purpose of section 20C order is to prevent the landlord from recovering its costs through the service charge. The fact that the landlord has chosen not to do this does not prevent the Tribunal from making a section 20C order.
4. It appears to the Tribunal that the Respondent is not challenging the making of section 20C order. The Tribunal considers it just and equitable to make an order under section 20C preventing the landlord from recovering its costs through the service charge in connection with the service charge proceedings heard on 21 May 2019. The Tribunal, however, gives the Respondent the right to challenge this within 7 days from the date of the decision. If there is no challenge the Order will be confirmed in the favour of the Applicants without further notice.

RIGHTS OF APPEAL

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