



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

Case Reference : LON/00AP/LSC/2014/0630

Property : Northwood Hall, Hornsey Lane,
London N6 5PQ

Applicant : Northwood Hall RTM Company
Limited

Representative : Canonbury Managment

Respondent : Martin P Howard

Representative : In person

Type of Application : S20C Landlord and Tenant Act
1985

Tribunal Members : Tribunal Judge Dutton

**Date and venue of
Hearing** : 9th April 2015 10 Alfred Place,
London WC1E 7LR

Date of Decision : 9th April 2015

DECISION

DECISION

The Applicant having advised the Tribunal that it does not wish to proceed with the claim transferred to the Tribunal and having considered the statement of the Respondent dated 10th March 2015, the Tribunal orders that the provisions of section 20C of the Landlord and Tenant Act 1985 apply for the reasons set out below. Further the tribunal declines to make any order for costs under the provisions of rule 13 of the Tribunal Procedure (First-tier Tribunal)(Property Chamber) Rules 2013 for the reasons set out below.

The Tribunal transfers the matter back to the County Court sitting at Lambeth (order of DJ Zimmels in claim number A54YM400 dated 14th November 2014 applies) for the question of the costs of the proceedings before the Court to be determined.

BACKGROUND

1. By an order of the County Court sitting at Lambeth (see details above) this case was transferred to the Tribunal for a determination of the issues relating to the alleged non payment of services charges amounting to £17,953.47.
2. As a result of correspondence from the Applicant indicating that apparent agreement had been reached for the case to be withdrawn an order for withdrawal was issued by this Tribunal dated 9th February 2015.
3. The Respondent, Mr Howard objected to the withdrawal, as he was entitled so to do. As a result directions were issued by this Tribunal on 23rd February 2015 (the Directions) providing for consideration to be given both for a claim for costs by the Respondent under the provisions of rule 13 of the Tribunal Procedure (First-tier Tribunal)(Property Chamber) Rules 2013 (the Rules) and for an order under section 20C of the Landlord and Tenant Act 1985 (the Act).
4. At paragraph (6) of the Directions the Respondent was to file a statement of case and subsequently lodge a bundle of papers for a paper determination of the issues during the week commencing 6th April 2015.
5. On 7th April 2015, Canonbury Management, acting for the Applicant wrote to the Tribunal and said as follows: *"We can confirm that whilst we are instructed to take no further action in respect of this matter, we can confirm that the Applicant does not seek to recover the nominal costs incurred to date in respect of the legal action through the service charges and so it would seem to be unnecessary for the tribunal to determine in respect of this"* The letter went on to say that no further action would be taken.
6. Mr Howard had lodged a statement of case dated 10th March 2015. At paragraph 11 he said as follows : *In a gesture of goodwill, the Respondent states that he will seek from this Tribunal only those costs that he incurs from the date hereof, but will seek the remaining costs before the County Court. However, the Respondent reserves the right to seek recovery of full costs if this matter goes to a hearing"*.

7. The statement went on to outline his reasons for the making of an order under s20C of the Act.

FINDINGS

8. The matter came before me for consideration of the outstanding issues on costs on 9th April 2015. I had before me the bundle lodged by Messrs King & Spalding under cover of a letter dated 2nd April 2015. I also read the letter from Canonbury Management dated 7th April 2015 and the previous decision of this Tribunal dated 9th February 2015 and the subsequent directions.
9. I am satisfied that in the light of the Applicant's wish to withdraw the case and their representative's letter dated 7th April 2015 it would be just and equitable to make an order under s20C of the Act.
10. Having considered the Respondent's statement of case and in particular paragraph 11 and as no details of any costs under the rules having been supplied I make no order under the provisions of Rule 13.
11. The matter will be transferred back to the County Court at Lambeth for the question of any outstanding costs arising as a result of the Court Act to be determined.

Tribunal Judge Andrew Dutton

9th April 2015.