



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

<b>Case Reference</b>	:	<b>LON/00AY/LSC/2015/0347</b>
<b>Property</b>	:	<b>1 St Cloud Road &amp; 18 Hubbard Road London SE27 9PN</b>
<b>Applicant</b>	:	<b>Primeview Developments Limited</b>
<b>Representative</b>	:	<b>Mr Steven Newman (in-house solicitor)</b>
<b>Respondents</b>	:	<b>Mr Z R Ahmed and Dr M Javaid (1) Ms N P Jumbo (2) Mr L Frade (3) Ms J F Kelly (4)</b>
<b>Representative</b>	:	<b>Ms Amanda Gourlay, Counsel</b>
<b>Type of Application</b>	:	<b>(1) For the determination of the reasonableness of and the liability to pay a service charge and (2) dispensation from compliance with the consultation requirements under the Landlord and Tenant Act 1985 (“the Act”)</b>
<b>Tribunal Members</b>	:	<b>Mr C Norman FRICS (Valuer Chairman) Mr I Thompson FRICS Mrs J Hawkins MSc</b>
<b>Date and venue of Hearing</b>	:	<b>10 Alfred Place, London WC1E 7LR 15 October 2015</b>
<b>Date of Decision</b>	:	<b>8 February 2016</b>

---

**COSTS ASSESSMENT**

---

### **Decisions of the Tribunal**

- (1) The Tribunal assesses costs payable by the applicant landlord to the respondent tenants as follows:
  - i. First respondents £439.32
  - ii. Second respondent £392.25
  - iii. Third Respondent £298.11
  - iv. Fourth respondent £439.32
  
- (2) Such costs are to be paid to the respective respondents within twenty-one days of the date of this decision.

### **Reasons**

1. This decision is supplemental to the Tribunal's decision on the substantive issues of 30 November 2015 and decision on costs dated 16 January 2016.
2. The Tribunal has received and considered a breakdown of Counsel's fees referable to Issue 1 (see previous decisions). The Respondents provided a short submission showing the proportions in which each of them had contributed which the Tribunal accepts (28%, 25%, 19% and 28% respectively). No representations were received from the applicants.
3. The Tribunal accepts the evidence that Counsel's fees attributable to Issue 1 total £1307.50 plus VAT or £1,569 inclusive. The Tribunal further finds that such fees were reasonable in amount and reasonably incurred by the respondents.

**Name:** C Norman FRICS

**Date:** 8 February 2016

### **ANNEX - RIGHTS OF APPEAL**

- The Tribunal is required to set out rights of appeal against its decisions by virtue of the Tribunal Rules and these are set out below.
- If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber) then a written application for permission must be made to

the First-tier Tribunal at the Regional office which has been dealing with the case.

- The application for permission to appeal must arrive at the Regional office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.
- If the application is not made within the 28-day time limit, such application must include a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.
- The application for permission to appeal must identify the decision of the Tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal, and state the result the party making the application is seeking.

### **The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013**

13.—(1) The Tribunal may make an order in respect of costs only—

(a) under section 29(4) of the 2007 Act (wasted costs) and the costs incurred in applying for such costs;

(b) if a person has acted unreasonably in bringing, defending or conducting proceedings in—

(i) an agricultural land and drainage case,

(ii) a residential property case, or

(iii) a leasehold case; or

(c) in a land registration case.

(2) The Tribunal may make an order requiring a party to reimburse to any other party the whole or part of the amount of any fee paid by the other party which has not been remitted by the Lord Chancellor.

(3) The Tribunal may make an order under this rule on an application or on its own initiative.

(4) A person making an application for an order for costs—

(a) must, unless the application is made orally at a hearing, send or deliver an application to the Tribunal and to the person against whom the order is sought to be made; and

(b) may send or deliver together with the application a schedule of the costs claimed in sufficient detail to allow summary assessment of such costs by the Tribunal.

(5) An application for an order for costs may be made at any time during the proceedings but must be made within 28 days after the date on which the Tribunal sends—

(a) a decision notice recording the decision which finally disposes of all issues in the proceedings; or

(b) notice of consent to a withdrawal under rule 22 (withdrawal) which ends the proceedings.

(6) The Tribunal may not make an order for costs against a person (the “paying person”) without first giving that person an opportunity to make representations.

(7) The amount of costs to be paid under an order under this rule may be determined by—

(a) summary assessment by the Tribunal;

(b) agreement of a specified sum by the paying person and the person entitled to receive the costs (the “receiving person”);

(c) detailed assessment of the whole or a specified part of the costs (including the costs of the assessment) incurred by the receiving person by the Tribunal or, if it so directs, on an application to a county court; and such assessment is to be on the standard basis or, if specified in the costs order, on the indemnity basis.

(8) The Civil Procedure Rules 1998(1), section 74 (interest on judgment debts, etc) of the County Courts Act 1984(2) and the County Court (Interest on Judgment Debts) Order 1991(3) shall apply, with necessary modifications, to a detailed assessment carried out under paragraph (7)(c) as if the proceedings in the Tribunal had been proceedings in a court to which the Civil Procedure Rules 1998 apply.

(9) The Tribunal may order an amount to be paid on account before the costs or expenses are assessed.