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

Case Reference : **BIR/00CN/0C9/2017/0013**

Property : **22 Hamberley Court, Heath Street,
Birmingham, B18 4DE**

Applicant : **Linecroft Limited**

Respondent : **Santokh Singh & Dalvinder Kaur**

Type of Application : **Application under Section 91(2)(d)
of the Leasehold Reform, Housing
& Urban Development Act 1993**

Decision : **13 September 2017**

Decision

1. This is an application, dated 08/06/2017, under Section 91(2)(d) of the Leasehold Reform, Housing & Urban Development Act 1993 for a determination by the Tribunal of the reasonable costs payable pursuant to the Respondents' claim for a new lease under section 60(1) of the Act.
2. By way of letters to the Tribunal dated 03/08/2017 and 08/08/2017, the Applicant additionally sought a wasted costs order against the Respondents, and reimbursement from the Respondents of the Applicant's application fee.
3. Subsequent to the application, the parties came to an agreement on the section 60(1) costs in the sum of £895, with no VAT payable. No decision of the Tribunal is required with regard to costs, save that it be noted that the application was concluded by consent.
4. The letter from the Tribunal to the Applicant of 13/06/2017 confirms that no application fee was paid.
5. Provision for an order for wasted costs is made in rule 13 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, which provides that a wasted costs order can be made if a person has acted unreasonably in bringing, defending or conducting proceedings.
6. In their 03/08/2017 letter the Applicant asserts that the Respondents have not provided relevant costs information. In fact, the Respondents sent that information to the Applicant by way of a letter dated 19/07/2017, a copy of which was sent to the Tribunal and received by the Tribunal on 20/07/2017. The fact of non-receipt by the Applicant does not render the actions of the Respondents unreasonable.
7. In their 08/08/2017 letter the Applicant asserts that, notwithstanding the 19/07/2017 letter, the Respondents have caused delay since the matter commenced in 2013.
8. The test for the Tribunal, as set out in rule 13, is the manner in which a person has dealt with the Tribunal proceedings. Whilst the Respondents were late in complying with the directions deadline of 14/07/2017, they did comply by 20/07/2017. This delay was modest and caused no prejudice to the Applicant. The evidence before the Tribunal does not show that the Respondents acted unreasonably in conducting the proceedings, in respect of compliance with the directions or otherwise. No rule 13 costs order is made.

If either party is dissatisfied with this decision they may apply for permission to appeal to the Upper Tribunal (Lands Chamber). Prior to making such an appeal, an application must be made, in writing, to this Tribunal for permission to appeal. Any such application must be made within 28 days of the issue of this decision.

Name: Judge S McClure

Date: 13 September 2017