



[2018] UKFTT 0613 (PC)

REF/2017/0834/0890/0891

**PROPERTY CHAMBER LAND REGISTRATION  
FIRST-TIER TRIBUNAL  
IN THE MATTER OF A REFERENCE  
UNDER THE LAND REGISTRATION ACT 2002**

**BETWEEN**

**(1) RAMAN SAREEN  
(2) BASSO SAREEN**

**APPLICANTS**

**and**

**(1) MUZIAH SHAH  
(2) JAGDIT SINGH MARWAY  
(3) PRITAM SINGH GILL  
(4) MRS HERJINDER GILL**

**RESPONDENTS**

**Property Address: Land adjoining 99a Halley Road, London E7 8DS  
Title Number: TGL475053**

**Before: Judge Owen Rhys**

**Sitting at: 10 Alfred Place, London WC1E 7LR  
On: 18<sup>th</sup> July 2018**

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**ORDER**

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**IT IS ORDERED** that the Chief Land Registrar shall give effect to the Applicants' application in Form FR1 dated 28<sup>th</sup> April 2017.

Dated this 12<sup>th</sup> day of September 2018

*Owen Rhys*

**BY ORDER OF THE TRIBUNAL**





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**Applicant representation:** Mr Rahman of Counsel instructed by J.H.Hart & Co  
Solicitors  
**Respondents representation:** In person (Ms Gill, daughter)

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**DECISION**

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1. The Applicants are the registered proprietors of the property known as 99a Halley Road, Forest Gate, London E7 8DS under title number EX16482. They were first registered

on 30<sup>th</sup> September 1993. 99a Halley Road is a commercial unit, housing a wholesaler of toys and stationery, a business owned and managed by the Applicants. It consists of a large warehouse, which is set back from the road, and is accessed over a tarmaced drive running northwards from Halley Road. At the northern end of the drive there are two open bays, which form the entrance to the warehouse. At the southern end of the drive there is a set of substantial double metal gates. The drive and, it would appear, the two open bays, do not form part of the Applicants' title, but are unregistered land. This is the land in dispute and I shall refer to it as the Disputed Land. The Disputed Land forms the only access to 99a Halley Road.

2. Nos. 469 to 475 Katherine Road back on to the Disputed Land on its eastern side. No. 469 is the corner property, lying at the southern end of the Disputed Land. Mr Marway (the second Respondent) is one of the registered proprietors. There is a garage at the rear of no.469 with its entrance on Halley Road. The flank wall of the garage runs alongside the Disputed Land. There is no access from this building to the Disputed Land. The flank wall is painted white, and painted onto the wall is the name, description and telephone number of the Applicants' business R.S Toys. Muziah Shah (the first Respondent) is the tenant of No.471 Katherine Road, which lies immediately to the north of no.469. At the rear of the property, backing onto the Disputed Land, there is a 2 metre high lapboard fence without any gate or door allowing access onto the Disputed Land. No.99 Halley Road lies along the western side of the Disputed Land, and is in the ownership of the third and fourth Respondents. Running south to north from the road, first there is a small front garden which is sealed off from the Disputed Land by a metal fence. Then the flank wall of no.99 runs along the western boundary of the Disputed Land. At the rear of no.99, there is a garden, enclosed by a wall which runs up to the northern end of the Disputed Land. There is a gate set within this wall. It is agreed that the wall was built in 2017. Prior to this, the garden was enclosed by a wooden fence. There is a dispute as to whether there was a gate within this fence. The Applicants say there was not, the Respondents say there was.
3. The dispute began in February 2017. At around that time Mr Gill was building his new wall, to replace the fence which he had taken down. There was a padlock on the gates leading into the Disputed Land, and he broke this padlock – this is agreed on all sides. He says that the padlock was new, and that he had previously held a key to the padlock

which secured the gates. When the Applicants replaced the lock they did not give him a key and since he needed access to the side of 99 Halley Road he felt justified in breaking the lock. The Applicants deny that he ever had a key, and say that he had no right to break the lock. At all events, a confrontation occurred, eventually leading to the application by the Applicants on 28<sup>th</sup> April 2017. The Respondents objected to the application, although none of them claims to own the Disputed Land. However, they deny that the Applicants have been in exclusive possession of it, and all claim to have rights of access over it. The dispute was referred to the Tribunal in November 2017.

4. The Respondents contend that they have rights of access over the Disputed Land to and from their adjoining properties – 99 Halley Road and 269 and 271 Katherine Road. This argument derives from an entry in the Charges Register of no.99a. This refers to certain restrictive covenants contained in a Conveyance of 1891, including the following:

*“THE 15 feet roadways in rear of or adjoining Lots 360 to 365, 413 to 418,, 419 to 424, 475 to 480, 481 to 486, 539 to 544 and 617 to 624 are not public roads but are intended for the use of the Purchasers of the Lots thereto adjoining in common with the owners and tenants of other lands abutting on such roadways and such Purchasers are to contribute a fair proportion towards the cost of repairing the same when needful the necessary proportion and amount of such contribution to be determined in the case of dispute by the Vendors Surveyor.”*

5. There are no corresponding entries on the Respondents’ titles, and Ms Gill, who appeared informally on behalf of the Respondents, was unable to tell me whether any of the Lots referred to related to the tiles involved in this dispute. However, the Respondents submit that the Disputed Land forms one of the “15 feet roadways” identified in the restrictive covenants and therefore it is “common” land intended for the enjoyment all adjoining owners. I shall consider this submission in more detail later in this Decision.
6. A person claiming a title by way of adverse possession must prove 12 years’ exclusive factual possession, coupled with an intention to possess. These requirements have been explained in the definitive leading case of J.A.Pye (Oxford) Ltd v Graham [2002] UKHL 30 which, in turn, approved the following definition contained in the earlier case

of *Powell v McFarlane* (1977) 38 P & CR 452. "(3) *Factual possession signifies an appropriate degree of physical control. It must be a single and [exclusive] possession, though there can be a single possession exercised by or on behalf of several persons jointly. Thus an owner of land and a person intruding on that land without his consent cannot both be in possession of the land at the same time. The question what acts constitute a sufficient degree of exclusive physical control must depend on the circumstances, in particular the nature of the land and the manner in which land of that nature is commonly used or enjoyed. .... Everything must depend on the particular circumstances, but broadly, I think what must be shown as constituting factual possession is that the alleged possessor has been dealing with the land in question as an occupying owner might have been expected to deal with it and that no-one else has done so.*" Generally speaking, if factual possession is established, the court will infer the intention to possess.

7. The primary issue in the case is whether the Applicants and their predecessors in title have been in "*exclusive factual possession*" of the Disputed Land for the necessary period. The Respondents accept that the land has been enclosed by the double metal gates at the road end, and that the gates were kept padlocked. However, they claim that they also had keys to the padlock, and were able to access the land without hindrance. Mr Gill claims that there has always been direct access from 99 Halley Road onto the Disputed Land by means of a wooden gate in his garden fence, and that this access has been regularly used over the years to carry ladders and building and decorating materials to and from the rear garden of no.99. The Respondents' case, in essence, is that the Applicants have not been in "exclusive" possession of the Disputed Land.

#### **WITNESSES - APPLICANTS**

8. The Applicants relied on evidence from themselves, Navin Shah, Rakesh Khosla, Havinder Singh, Balvinder Singh, Kamlesh Amin and their son Mr Sonny Sareen. These witnesses had all made witness statements upon which they were cross-examined.
9. The principal evidence was given by **Mr Raman Sareen**. He said that he and his wife had bought 99a Halley Road in September 1993, and have operated a wholesale toy and stationery business from the premises since that time. The Disputed Land has always been used as a driveway leading to the business premises. It is used for loading and

unloading goods, as well as for customer parking. When he purchased the site there were already gates installed at the entrance to the drive and the previous owner of the premises, Mr Navin Shah, gave the Applicants the keys. He produced a valuation report obtained at the time of the purchase, which refers to the “*front open tarmaced yard providing loading and unloading facilities*”. It continues “*The property is secured at the front by two metal gates...*”. None of the neighbours ever had keys to the gates, and no-one apart from the Applicants, their staff and their customers and visitors ever used the Disputed Land. The Applicants pay business rates on the driveway, and have paid for its upkeep. He says that around February 2017 Mr Gill demolished the wooden boundary fence between the Disputed Land and 99 Halley Road, erected a new concrete wall and installed a side door in this wall, giving onto the Disputed Land. Prior to this time there had been no means of access. In the course of carrying out this work, Mr Gill broke the lock on the double gates at the entrance to the Disputed Land. The Applicants changed the lock and that remains the position today. He denied that any of the Respondents ever had access to or use of the Disputed Land since the Applicants’ purchase in 1993.

10. Mr Sareen’s wife **Basso Sareen**, and his son **Sonny Sareen**, also gave evidence to the same effect.
11. **Mr Navin Shah**. He said he ran the business at 99a Halley Road with his brother, and they erected the gates shortly after the business commenced in 1989. He reiterated that none of the neighbours had a key to the gates, and he was not aware of any arrangement made by his brother with the neighbours giving them access. He also said that there was no gate in the wooden fence alongside 99 Halley Road. He said that he and his brother always believed that the Disputed Land belonged to 99a Halley Road.
12. **Mr Rakesh Khosla**. He is the Applicants’ accountant, and gave evidence to the effect that he had parked on the Disputed Land when visiting the Applicants.
13. **Mr Horvinder Singh**. He has made deliveries to the Applicants’ business for about 3 years. He says that he regularly parks his lorry on the Disputed Land to unload. There is very limited space and he has never seen any of the Applicants’ neighbours on the drive.

14. **Mr Balvinder Singh Sahi.** He has been a customer of the Applicants for at least 20 years. He runs his own shop and purchases items from the Applicants wholesale. He regularly parks in the driveway – maybe two or three times per week – and has not seen anyone other than people associated with the business using it. He visits at different times of the day. The latest time is probably around 8 pm. He had never noticed any door in the wooden fence alongside no.99.
15. **Kamlesh Amin.** He was a former owner of 275 Katherine Road, which backs on to the Disputed Land close to the warehouse itself. This property has now been sold to the Applicants' son. There was a garage at the rear of the property, opening on to the Disputed Land. He said that he had never used this garage, had never accessed it from the Disputed Land, and that it was full of items left over from a previous owner. He had never seen any neighbours using the Disputed Land apart from the Applicants and those connected with their business.

#### **WITNESSES - RESPONDENTS**

16. **Mr Sami Rafiq.** I shall refer to his evidence in more detail later in this Decision.
17. **Mr Kartar Singh.** He is a friend of Mr Gill and says in his witness statement that *“I have on many occasions accompanied him to his property at 99 Halley Road and assisted him in painting and removing tools through the side shared access. As far as I can recall and as far as I am aware, Mr Gill has always had shared use of the side access.”* He elaborated on this evidence in cross-examination. He said that some years he visited “2 to 4” times, in some years not much. He could not remember when the gates were installed at the front of the Disputed Land. He was asked about the written statement, and, in particular, who prepared it. He replied that he had prepared it, and dictated it to his son in Punjabi, who had then typed it out in English, in the form that he signed.
18. **Mr Sikwant Singh Siddhu.** He is another friend of Mr Gill and gave evidence to a similar effect, namely that he had visited 99 Halley Road with Mr Gill, had watched him open the double gates with a key, and had removed tools and building materials from the rear garden. Indeed, his witness statement was virtually identical, word for word, to that of Mr Kartar Singh and, indeed, had considerable similarities with other

statements relied on by the Respondents. He was asked about this in cross-examination. He insisted that he had not been told what to say by Mr Gill, and that he had told his daughter what he wanted to say, and she had typed it out on her computer and he had signed it. In cross-examination, he said that the Applicants' business was never open when he visited the premises, which was usually around 8 to 8.45 a.m.

19. **Mr Gill.** I shall refer to his evidence in more detail later in this Decision.
  
20. **Mr Jagjit Marway.** He is one of the Respondents, and the owner of 269 Katherine Road, the corner property, which he lets to tenants. He does not live there himself. The property has a garage at the end of the plot, which is immediately adjacent to the entrance to the Disputed Land and is accessed from Halley Street. In his witness statement, he says that he is aware that his late father had "*close contact*" with Mr Gill, and that they contributed to the costs of the gates at the entrance to the Disputed Land and had a "gentleman's agreement" with the owners of 99a Halley Road regarding its use. He says that all adjoining owners had "*shared access*" when required. He gives no details of any user. In cross-examination, he said that he had a key for the double gates, and would often park his car on the Disputed Land, but outside business hours when the Applicants were no longer there. Because of this, he accepts that the Applicants "*might not have seen us*".
  
21. **Mr Muzaih Shah.** He is one of the Respondents, and since March 2010 has been the tenant of 471 Katherine Road, which backs onto the Disputed Land although there is no direct access to it. In his statement, he said that he found a key in the kitchen drawer which he "*then discovered was for the shared gate at the back of the property.*" He used the shared drive for the loading and unloading of goods in connection with his wife's market stall, and parking of his car. In cross-examination, he accepted that he had asked the Sareens for permission to use the Disputed Land from about 2014 onwards. They said that he could, but that he could not create a door opening into the Disputed Land. When questioned why he had asked the Applicants for permission to use the Disputed Land, his response was telling – "*who else would I ask?*". He said that he had replaced his rear garden fence recently and had included a fence panel which could be lifted up, to allow access from the Disputed Land into 271 Katherine Road.



22. **Mohammed Rasheed.** He is a tenant of one of Mr Gill's other properties. He gave evidence to the effect that he had visited 99 Halley Road with Mr Gill to collect a ladder on one occasion, and some tools on another. He says that the gates were locked and Mr Gill was able to open the padlock with a key. He could not remember many details either of the dates when he visited, nor of the physical appearance of the side gate into the garden of 99 Halley Road.

## FINDINGS OF FACT

23. Having regard to the evidence that I heard, and the documents and other materials relied upon, my conclusions on the facts are as follows:

- (a) The Disputed Land has formed the only access to 99a Halley Road and the business operated there since at least 1990.
- (b) The business has made use of the Disputed Land for the purposes of loading and unloading, and for customer parking, since 1990.
- (c) Mr Navin Shah and his brother, who operated the business from 1990 onwards, erected substantial metal gates across the front of the Disputed Land and kept the gates locked by means of a padlock.
- (d) They did not give keys to any of their neighbours and none of them has used the Disputed Land without the Applicants' permission.
- (e) There was a "*hand gate*" in the fence between the rear garden of 99 Halley Road and the Disputed Land which was removed when Mr Gill removed the wooden fence in February 2017 and rebuilt the wall. This is clear from the valuation report produced by Mr Gill which he obtained when he originally purchased 99 Halley Road.
- (f) Despite the existence of the gate, there was no regular access by Mr Gill or his tenants to the rear of 99 Halley Road over the Disputed Land. There may have been very infrequent use which did not interfere with the Applicants' possession of the Disputed Land.
- (g) The Applicants have been in exclusive factual possession of the Disputed Land since 1993.
- (h) When the estate was laid out in the 1890s, it may have been envisaged that the Disputed Land would provide access to the rear of Nos. 269 to 275 Katherine Road and the rear of 99 Halley Road. There is a garage at the rear of 275 Katherine Road and doors which open onto the Disputed Land, which suggests

historic access. However, there is no current rear access to 269 and 271 Katherine Road, and any access to these properties would have been blocked by the erection of the locked gates across the entrance to the Disputed Land as long ago as 1990.

24. In reaching these conclusions, I have preferred the evidence of the Applicants, and their witnesses, to that of the Respondents and their witnesses, where there is a conflict. Generally, I found the Applicants and their witnesses to be credible. As I have said, there is no real challenge to the Applicants' evidence that they have been using the Disputed Land as access to and in conjunction with their business since 1993. The main dispute concerns the availability of keys to the Respondents, and the extent to which Mr Gill, and the tenants of 99 Halley Road, used the rear gate to access the garden. In this connection, the evidence of Mr Rafiq and Mr Gill himself was critical. My reasons for rejecting their evidence is as follows:

- (a) The key witness for the Respondents was Mr Sami Rafiq, who was the tenant of 99 Halley Road between 2002 and 2017. His written evidence was that *"I confirm that Mr Gill has since I have known him, namely since February 2002 had a key to the shared side gate to the shared land adjoining his property at 99 Halley Road, Forest Gate, London E& 8DS. Mr Gill has opened and closed the gate on many occasion in front of me and has had use of the same. Further, he has always had access through his fence side door which goes directly into his garden, where he keeps all of his building tools for the maintenance of his properties.... Whilst I have been a tenant of 99 Halley Road, Mr Gill gave me the key to the gate of the shared side access and I had use of the same. For example, on occasion I used to park my car there in the evenings without no problem or issue with the owners/occupiers of 99A Halley Road."*
- (b) Under cross-examination, his evidence was that there were no gates at the front of the Disputed Land in 2002 when he first arrived at the property. He insisted that the metal gates were installed in around 2007, when a set of side railings was installed by Mr Sareen at the front of 99 Halley Road. He said that there was *"no chance"* that they were there in 2002. Under re-examination, however, he said that *"I'm not saying that gates were not there in 1993. There were no black gates."* No other witness suggested that there were some different gates in place in 1993 which had been replaced before 2002. It seems to me that Mr

Rafiq's recollection of the appearance of the Disputed Land is seriously defective if he cannot recall the existence of the substantial metal gates. It also calls into question his written evidence to the effect that Mr Gill had a key to the "shared side gate" from February 2002 – if he cannot recall the gate this makes no sense. He also changed his evidence as regards his own key. In his statement he said that Mr Gill gave him a key to the padlock on the front gates. But in cross-examination he was far less certain, saying "at one time I did have a key, I think". In his statement, he said that "on occasions I use to park my car there [the Disputed Land] in the evenings without no problem....." In his oral evidence he said that "I sometimes parked my car in the driveway – after the gates were put up I parked in the road.... It was an open space, there were no gates."

- (c) Taking Mr Rafiq's evidence as a whole, I find myself unable to rely on it to any great extent. The variation between his written and oral evidence was striking, and related to issues that went to the heart of the case. For example, it seems highly improbable that he would have stopped parking his car in the "driveway" (i.e the Disputed Land) if he really had a key to the double gates. Yet his evidence was to this effect. I also take into account Mr Rafiq's aggressive and confrontational manner when answering questions from the Applicants' Counsel. He certainly did not give the impression of a disinterested witness trying his best to give a considered reply to legitimate questions. He seemed rather to be intent on maintaining a particular position.
- (d) Mr Gill's evidence consisted of his Statement of Case, which he verified. The key passage is as follows: "Previously, the shared side access did not have any gates and was open from the front. However, during the course of the previous owner's ownership shared gates were put in. All of the adjoining users were consulted and everyone contributed towards the costs of putting up the shared gates. All adjoining owners were given keys to be able to use the same." The reference to the previous owner is to Mr Navin Shah and his brother. Mr Navin Shah of course vigorously denied that he or his brother had given keys to any neighbours. Mr Gill continued: "In February 2017 we were having some renovation works done to our property and as part of the renovation works we were replacing the side fence as this was old and required replacing. We decided to erect a brick wall, rather than put up another wood fence panel and

*to replace the existing wooden fence door with a formal solid door. In order to undertake these works, I needed to have access to the shared side access. I tried to open the lock to the gate with the key and it wouldn't open, I thought that maybe the Applicant by mistake had put the wrong lock on it but as I needed access, I cut the lock and had access."*

- (e) It may be noted that there is no mention in Mr Gill's statement of any specific use of the Disputed Land, or any specific occasions when he himself used the access. The best he can do in his statement (see 5.4) is to refer to a letter written by his tenant, Mr Rafiq, which can be found at page 210. This letter, dated 12<sup>th</sup> November 2017, says that: "*I confirm that Mr Gill has since I have known him, namely since February 2002 had a key to the shared side gate to the shared land adjoining his property at 99 Halley Road, Forest Gate, London E& 8DS. Mr Gill has opened and closed the gate on many occasion in front of me and has had use of the same. Further, he has always had access through his fence side door which goes directly into his garden, where he keeps all of his building tools for the maintenance of his properties.*" These words are, of course, identical to those of his witness statement.
- (f) However, when he was cross-examined, Mr Gill maintained that he had been a regular user of the Disputed Land. In cross-examination he echoed Mr Rafiq's evidence that he used to carry ladders in and out of the rear garden of 99 Halley Road and over the Disputed Land. Indeed, in his oral evidence he said that he would use the side access 3 to 4 times per week, although never during the working hours of the Applicants' business so as not to disrupt it. None of this detail appears in his Statement of Case, there is no mention of ladders, and no suggestion of such regular access. Quite apart from the lack of detail in what was in effect his witness statement, I consider that Mr Gill's evidence is inherently improbable. It must be borne in mind that the Applicants run a full-time business at 99a Halley Road, and use the Disputed Land as an adjunct to that business. Not only is it the sole means of vehicular and pedestrian access, but it is used for deliveries and for the parking of customer vehicles. It is a relatively narrow space, 5 metres wide, wide enough for a van to park and unload but leaving little room on either side. It seems quite unrealistic to suggest that Mr Gill could possibly have been walking in and out of the Disputed Land, several times a week, carrying ladders and tools and equipment,

without ever being noticed by the Applicants. Mr Gill answers this point by saying that he only ever visited outside business hours, which (as seems to be common ground) used to finish around 8 pm. It seems highly unlikely that he could have used the rear gate on such a regular basis over a number of years without ever doing so during the working day.

(g) I have concluded that Mr Gill's evidence cannot be relied upon. It seems to me that Mr Gill inadvertently drew attention to the real cause of this dispute, namely his recent need to obtain access over the Disputed Land in order to construct his new side wall. It was only in February 2017 that he wanted to enter the Disputed Land, and since he did not have a key to the lock he simply cut it off. This was the same lock that had been in place since 1990, but Mr Gill had never previously had cause to enter the Disputed Land and did not need to open it. When his actions gave rise to the dispute with the Applicants, he has sought to justify his actions by claiming that the Disputed Land is a "shared driveway", relying on the terms of the restrictive covenant referred to in paragraph 4 of this Decision. Whilst that may have been the case historically – and it has not been possible to identify the Lots referred to so this is speculation – there is no doubt that it ceased to be a "shared driveway" no later than 1990.

25. There were of course other witnesses upon whom the Respondents relied. I regret to say that I have not found myself very impressed by them. Mr Rafique gave every appearance of having been coached. In relation to Mr Kartar Singh and Mr Sukhwant Singh Sadhu, I am unable to accept that their virtually identical statements were the products of their own work, dictated to their children to draw up. Manifestly they were drafted by the same hand, not theirs. That in itself is not necessarily a problem, but their insistence, on oath, that they had independently created these statements suggests a willingness to be untruthful that prevents me from trusting the remainder of their evidence. Mr Marway's witness statement refers to events which did not directly involve him, but his father, and contains no detail of any actual use made by him of the Disputed Land. This all emerged in cross-examination. Again, it beggars belief that his alleged use of the Disputed Land invariably took place when the Applicants' business was closed. Far more like that there was no such use at all. Finally, there was the evidence of Mr Muzaiah Shah. His evidence that he had found a key in his kitchen drawer, which eventually turned out to be a key to the locked gates, is simply incredible.

In any event, his claim that he had a right to use the Disputed Land was completely undermined by the answers he gave in cross-examination, that he had asked the Applicants for permission to access the rear of his property over the Disputed Land. Perhaps the most revealing, and honest, answer given by any of the Respondents' witnesses was his response when questioned why he asked the Applicants for consent. The response was simple and obviously true – "*who else would I ask?*" In other words, the Applicants were in sole occupation and control of the Disputed Land, so naturally they would be the right people to ask if he wanted access over it, and through the locked gates. He said that he had asked for access as early as 2014, long before the lock on the gates had been changed. Their answer – giving permission, but on terms that he did not create a new gate at the rear – demonstrates the fact that they were in control of the Disputed Land.

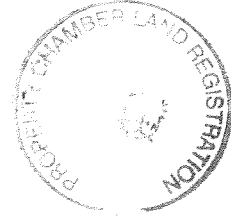
## CONCLUSIONS

26. For the reasons that I have explained, I find that the Applicants have been in exclusive factual possession of the Disputed Land since 1993. I infer from their activities on the Disputed Land and the way that they have dealt with it, that they had the necessary intention to possess from that time. The fact that there may have been historic use of the Disputed Land as an access to adjoining properties – and that is, to some extent, speculation – does not alter this finding. The relevant period is from 1993 onwards, and the existence of the locked gates (in fact since 1990) and the Applicants' exclusive control over access to the Disputed Land amounts to exclusive possession.
27. I shall therefore direct the Chief Land Registrar to give effect to the Applicants' application in Form FR1 dated 28<sup>th</sup> April 2017, for first registration of the Disputed Land.
28. In this jurisdiction, costs generally follow the event – i.e the winner usually obtains costs from the other party or parties – and that is the order I propose to make. I direct the Applicants to file with the Tribunal and serve on the Respondents a Statement of Costs by 4 pm on Wednesday 19<sup>th</sup> September 2018. I shall allow the Respondents to put forward any contrary arguments that they may wish to make, and any specific objections to the quantum of costs. Any such written submissions should be filed with the Tribunal, and served on the Applicants, no later than 4pm on Friday 28<sup>th</sup> September

2018. I shall then consider the matter further and in all probability make a summary assessment.

Dated this 12<sup>th</sup> day of September 2018

*Owen Rhys*



**BY ORDER OF THE TRIBUNAL**