



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

Case reference : **LON/LON/00BC/OC9/2022/0049**

Property : **43C Argyle Road, Ilford IG1 3BJ**

Applicant : **Sinclair Gardens Investments
(Kensington) Limited**

Representative : **PDC Law**

Respondent : **Farhat Raie and Akbar Owasi Raie
as executors of the late Aleem Raie**

Representative : **N/A**

Type of application : **Costs pursuant to section 60 of the
Leasehold Reform, Housing and
Urban Development Act 1993**

Tribunal members : **Judge Tagliavini
Mr K Ridgeway MRICS**

**Date of determination
and venue** : **26 May 2026
10 Alfred Place, London WC1E 7LR
(paper)**

Date of decision : **26 May 2022**

DECISION

Summary of the tribunal's decision

- (1) The respondents are liable to pay the applicant's costs in the sum of £1,826.50 within 14 days from the date of this decision.
-

Background

1. This is an application made by the applicant freeholder pursuant to section 60 of the Leasehold Reform, Housing and Urban Development Act 1993 ("the Act"). The applicant seeks the tribunal's determination of the reasonable costs payable as a consequence of the deemed withdrawal of a s.42 Notice of Claim dated 25 November 2019, seeking the grant of a new lease of the subject property. A s.45 Counter-Notice dated 28 January 2020 was served in response.
2. In an email dated 30 November 2020 the applicant informed the respondents that the Notice of Claim was deemed withdrawn pursuant to s.43(3) of the Act. Consequently, the respondents were informed that the applicants were liable for the legal and valuation costs which the landlord has incurred in the sum of £1,726.50 comprising:
 - (i) Surveyors fee inc. VAT.....£750.00
 - (ii) Legal fees inc. VAT.....£945.00
 - (iii) Disbursements.....£31.50
3. The applicant also sought reimbursement of the application fee of £100.
4. In support of the application, the applicant provided the tribunal with copies of the invoices from the surveyor and a breakdown of the legal costs.
5. The respondents did not provide any response to the application despite being contacted by the tribunal encouraging them to do so, Despite having subsequently been informed by the tribunal they would be debarred from playing any further role in this application no contact was made by the respondents.

The tribunal's determination

6. The tribunal determines that the costs incurred by the applicant in respect of the respondents' claim to a new lease are reasonable in amount and proportionate to the work that was required by a surveyor

and its legal advisors. Therefore, the tribunal determines that the sum of £1,726.50 is payable by the respondents to the applicant.

7. Further, the applicant seeks a reimbursement of the cost of making this application in the sum of £100. The tribunal also finds it reasonable for the respondents to reimburse the application fee.
8. In conclusion, the tribunal determines the respondents are liable to pay the sum of £1,826.50 as the costs incurred by the applicant. The tribunal determines that such sum should be paid within 14 days of the date of this decision.

Name: Judge Tagliavini

Date: 26 May 2022

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

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.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).