

**RESIDENTIAL PROPERTY TRIBUNAL SERVICE**

**SOUTHERN RENT ASSESSMENT PANEL**

**LEASEHOLD VALUATION TRIBUNAL**

**Case No. CHI/21UD/LLC/2007/0001**

**Re. 4 Pelham Crescent, Hastings, East Sussex, TN34 3AF**

**Applicants:** **Mr A. Morris (Flat 2)**  
**Mr J.Baker (Flat 4)**  
**Miss G.Shaw and Ms P.Boylan (Flat 6)**

**Respondent:** **Dashdream Limited**

**Tribunal**

**Mr D.R.Hebblethwaite BA (Chairman)**

**Mr J.N.Cleverton FRICS**

**Ms J.Morris**

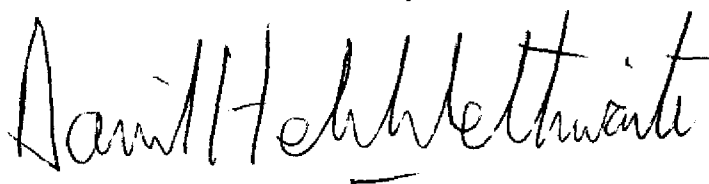
**DECISION**

**on the Applicants' applications for an order for costs under Paragraph 10 (2) (b) of Schedule 12 to the Commonhold and Leasehold Reform Act 2002**

1. On 18 June 2007 a hearing was due to take place before a Tribunal to which the Applicants and the Respondent were parties. Although the present Tribunal has not seen the file it appears from the representations made in connection with the costs application that the Respondent had applied to the Tribunal for an order to remove the current managing agent of the property as an appointee of the court. This was opposed by the Applicants who instructed solicitors to act for them. The Applicants' statements of case and witness statements were served on the Respondent on 5 June and then on the day of the hearing, 18 June, at 12.19 pm the solicitors received a fax from the Respondent withdrawing his application.

2. The Applicants immediately applied to the Tribunal for costs determinations under the provisions of the 2002 Act set out in the heading to this Decision. This was by letter from their solicitors dated 18 June 2007. On 2 November 2007 Directions were given for the application to be dealt with on paper without a hearing and no party objected to this. The Respondent made submissions by an undated letter signed by Robert Mackintosh. The Directions allowed for the matter to be decided by a Chairman sitting alone but in fact it was considered by the present Tribunal of three members sitting on 17 December 2007.
3. The Tribunal decided that by withdrawing the application less than 24 hours before the Hearing was due to take place, nearly two weeks after receiving the Applicants' statements of case and witness statements the Respondent acted abusively, disruptively and unreasonably. These are all circumstances that allow the Tribunal to determine that the Respondent shall pay the costs of the Applicants and the Tribunal does so determine. The Respondent has submitted that the costs claimed are not proportionate to the issue raised in the Respondent's application and that the time spent is unreasonable. In fact the time spent by the solicitor (jointly for all three Applicants) totals 24.3 hours which the Tribunal does not find unreasonable. The Tribunal feels that the charge out rate of £150.00 is reasonable for this work and that therefore the total, inclusive of VAT and disbursements, of £4,500.16 is reasonable. However, the Tribunal is limited to ordering the Respondent to pay to each other party the sum of £500.00. The Respondent offers £250.00 each.
4. The Tribunal orders the Respondent to pay the sum of £500.00 costs to each of the three applicants within 14 days of the date of this Decision.

**Decision dated 10 January 2008**



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**Chairman**