FIRST - TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference	:	**CHI/00HA/PHI/2014/0009.**
Property	:	**57 Quarry Rock Gardens, Claverton Down, Bath, BA2 6EF.**
Applicant	:	**West Country Park Home Estates Limited**
Representative	:	**Mr. David Newman, director**
Respondent	:	**Mr. Bryan Chalker**
Representative	:	**In person**
Type of Application	:	**Pitch Fee increase - Mobile Homes Act 1983 (as amended)**
Tribunal Members	:	**Judge J G Orme (Chairman)** **Mr. M J Ayres FRICS (Member)**
Date and Venue of Hearing	:	**29 August 2014.** **Paper Determination**
Date of Decision	:	**4 September 2014.**

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DECISION

For the reasons set out below, the Tribunal:

1. **Pursuant to paragraph 16(b) of Chapter 2 of Part I of Schedule 1 to the Mobile Homes Act 1983 (as amended), determines the pitch fee payable as from 1 April 2014 in respect of the pitch known as 57 Quarry Rock Gardens, Claverton Down, Bath, BA2 6EF at £145.67 per calendar month.**

2. **Makes no order in respect of the costs of the application.**

Reasons

Background

1. Quarry Rock Gardens, Claverton Down, Bath, BA2 6EF ("the Park") is a residential mobile home park. It is owned and operated by West Country Park Home Estates Limited ("the Applicant"). Mr. David Newman is a director of the Applicant.

2. Mr. Bryan Chalker ("the Respondent") is the owner of the mobile home located on the pitch numbered 57 at the Park. He occupies the pitch pursuant to an agreement which commenced on 20 May 1983. The original agreement was made between CG and MR Hancock as owners and Mr. and Mrs. C Densley as occupiers. The agreement was assigned to the Respondent by virtue of an assignment dated 1 August 1987.

3. On 23 February 2014, the Applicant gave written notice to the Respondent that the pitch fee would be increased from £141.70 per month to £145.67 per month with effect from 1 April 2014. The notice was accompanied by a pitch fee review form in the form prescribed by *The Mobile Homes (Pitch Fees) (Prescribed Form) (England) Regulations 2013 SI 2013/1505*.

4. The Respondent did not agree the proposed increase in the pitch fee. On 4 June 2014 the Applicant applied to the Tribunal to determine the new pitch fee.

5. The Tribunal made directions on 9 June 2014. It gave notice pursuant to Rule 31 of the *Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 SI 2013/1169* ("the Procedure Rules") that it intended to determine the application without a hearing. It directed the application to stand as the Applicant's case, the Respondent to submit a written statement and for the Applicant to reply if necessary.

6. Neither party requested an oral hearing.

The Law

7. Section 2(1) of the *Mobile Homes Act 1983* (as amended) ("the Act") implies into any agreement to which the Act applies the applicable terms set out in part I of schedule 1 to the Act. Those implied terms take priority over any express terms of the agreement.

8. The relevant provisions of part I of schedule 1 of the Act which apply in this case are those set out in chapter 2. Paragraphs 16 to 20 set out the procedure for reviewing the pitch fee. They provide for the pitch fee to be reviewed annually on the review date. The site owner is to serve a written notice on the occupier at least 28 days before the review date setting out his proposals. The occupier may or may not agree the review. If he does not, either the site owner or the occupier may apply to the Tribunal to determine the amount of the new pitch fee.

9. Paragraph 20 provides that there is a presumption that the pitch fee will increase or decrease in line with the increase or decrease in the retail prices index over the last 12 months. That presumption is to apply unless the Tribunal considers that it would be unreasonable having regard to the factors set out in paragraph 18(1).

10. Paragraph 18(1) says that particular regard must be had to any deterioration in the condition and any decrease in the amenity of the site or any adjoining land occupied or controlled by the site owner since the date when the paragraph came into force in so far as it has not previously been taken into account. The provisions of paragraphs 18(1)(aa) and (ab) came into force on 26 May 2013. Regard must also be had to any sums expended on improvements which have been the subject of consultation and any direct effect on the costs payable by the owner in relation to maintenance or management of the site of any enactment which has come into force since the last review date. Paragraph 19 sets out certain matters which are not to be taken into account.

11. Paragraph 17(2A) provides that a pitch fee review notice is of no effect unless it is accompanied by a document which complies with paragraph 25A. Paragraph 25A provides for the document to be in a form prescribed by *The Mobile Home (Pitch Fees)(Prescribed Forms)(England) Regulations 2013 SI 2013/1505*.

12. The Tribunal has power to make an order in relation to the costs of the application if it considers that a party has acted unreasonably in bringing, defending or conducting the proceedings. The power is set out in Rule 13 of the Procedure Rules.

13. The relevant parts of the Act, SI 2013/1505 and of Rule 13 of the Procedure Rules are set out in the Annex to this decision.

The Inspection

14. The Tribunal inspected the Park on 29 August 2014 in the presence of Mr. Newman. Mr. Chalker had previously sent an email to the Tribunal saying that he was abroad and would not be attending the inspection.

15. Access to the Park is along a driveway leading from Claverton Down Road. The surface of the driveway is tar macadam. The verge on one side of the driveway has some bushes planted in it. The vegetation growing in the verge has been recently cut but overall, the verge was not particularly well maintained.

16. At the entrance to the Park there are speed limit signs and a speed ramp. Inside the entrance is a large parking area where some caravans are stored. There is a block of 8 garages with a rainwater gully in front of them. The gully appeared to be clear.

17. The Tribunal noted the site map pinned within a notice board a short distance inside the Park. The map was clear and legible.

18. The Tribunal noted the location of 57 Quarry Rock Gardens. Just in front of the pitch there is a gully in the roadway. It appeared to be blocked with some weeds growing out of it. The Tribunal noted that the roadway sloped away from Number 57 at this point and that the area in which water would pool if the gully was not functioning was relatively small, as is confirmed by one of the Respondent's photographs.

19. Around the Park there are a number of structures which house the electricity supply boxes and meters for the various pitches at the Park. The Tribunal inspected the box adjacent to Number 57. It is of concrete block construction with a solid roof. It and the various electrical units within it did not appear to be in good condition but there were no obvious signs of recent deterioration. The Tribunal also inspected another box which was a small wooden hut which appeared to be in better condition.

20. The Tribunal was shown a block of 6 garages in the Park beyond Number 57. The garages were of concrete block construction with asbestos sheeting on the roof. They appeared to be useable but in need of some attention. There were no signs of recent deterioration.

21. The Tribunal was unable to inspect the sewage drainage provision for Number 57 but Mr. Newman pointed out the route of the main sewer just in front of the pitch.

22. The Tribunal walked around the Park. Some of the individual pitches were well maintained and others were not well maintained. Those parts of the Park which were not within individual pitches appeared to be well maintained, neat and tidy.

The Evidence and the Issues

23. The Respondent's position was set out in a letter to Mr. Newman dated 1 July and a letter to the Tribunal dated 12 August. Attached to the letter were copies of correspondence with Mr. Newman and some photographs. The Respondent's main allegation was that the Applicant carried out little or no maintenance work at the Park. In particular, he relied on the following:
    a. Work is required to the soak-aways adjacent to Number 57 and the main car park to prevent flooding during periods of heavy rain. He said that this had been a problem for 5 years;
    b. Some traffic calming measures are required to control the speed of traffic in the Park. He said that he had been knocked over by a vehicle in 2010.
    c. The site map which the Applicant had been required to install is shambolic and served no real purpose.
    d. The garage block opposite the former office requires attention due to ground subsidence and roof leakage. His own car port had shown signs of further subsidence over the last 2 years.
    e. The housings for meter boxes within the Park are in poor condition and have been condemned by Western Power. In particular, he alleges that the housing adjacent to Number 57 was condemned a year ago and has further deteriorated since that time.
    f. There is a problem with the sewage system serving Number 57 and adjacent properties.
    g. The site entrance is badly overgrown with weeds and is looking unkempt. He accepts that the driveway is jointly owned.

24. The Applicant relied on the documents attached to its application and its reply to the Respondent dated 15 July. In the prescribed form sent with the Applicant's written proposals for the new pitch fee, the Applicant stated that it was proposing to increase the pitch fee by 2.8% being the increase in the retail prices index to January 2014 and that there was no adjustment due to recoverable costs or relevant deductions. In relation to the Respondent's points, it commented as follows:
    a. Flooding – The Applicant relied on a statement from another resident of the Park saying that there had been no flooding within the Park during the 44 years that she had lived there. Mr. Newman admitted at the inspection that there is some pooling of water at times of heavy rainfall.
    b. The Applicant did not wish to install further speed bumps as they would be a trip hazard to other elderly residents.
    c. The site map was considered adequate by the local authority.
    d. It was accepted that there had been some subsidence to the garage block but it had been stable for 20 years. The garage rented by the Respondent did not form part of the pitch.
    e. It was disputed that the meter housings had been condemned. Mr. Newman indicated at the inspection that further work was being carried out by Western Power and work would be carried out to improve the box adjacent to Number 57.

f. There had been a blockage in the sewer adjacent to Number 57 which had been cleared. Any further problem must relate to the pipe work which was the responsibility of the Respondent.
g. The driveway is jointly owned and not the responsibility of the Applicant. At the inspection, Mr. Newman explained that the Applicant is one of several joint owners and that it has a right of way over the driveway but is not responsible for its upkeep.

25. By letter dated 24 July, the Applicant asked the Tribunal to make an order for costs against the Respondent.

Conclusions

26. The copy of the agreement supplied by the Applicant for the Tribunal was not complete. The Tribunal was not able to confirm the review date from the copy of the agreement. However, no issue had been taken by the Respondent as to the review date. The Tribunal proceeded on the basis that the review date is 1 April in each year.

27. The Tribunal is satisfied that the Applicant served on the Respondent a written notice setting out its proposals in respect of the new pitch fee at least 28 days before the review date, 1 April 2014, and that that notice was accompanied by the prescribed form. The application was made within the prescribed time period.

28. The Applicant is seeking a rise of 2.8% in line with the increase in the retail prices index. It is not relying on any other factors to justify an increase of decrease.

29. Paragraph 20(A1) of Chapter 2 provides that there is a presumption that the pitch fee shall increase in line with the retail prices index unless the Tribunal , having regard to paragraph 18(1), considers that such an increase would be unreasonable.

30. Looking at the factors listed in paragraph 18, the Applicant is not relying on sums expended on improvements or costs incurred as a result of complying with enactments to justify any increase. Therefore, the Tribunal only needs to have regard to the factors listed in sub-paragraphs 18(1)(aa) and (ab), namely any deterioration in the condition or decrease in the amenity of the site or any adjoining land occupied or controlled by the site owner or any reduction in services supplied to the pitch. The Tribunal is only concerned with such factors if they have occurred since 26 May 2013 when these provisions came into effect.

31. The Tribunal is satisfied (because it is accepted by both parties) that the driveway does not belong to the Applicant and is shared. It is not land occupied or controlled by the Applicant. The Tribunal does not therefore take into account any deterioration of condition or decrease in amenity to that area.

32. When considering the other matters listed at paragraph 23 above, the Tribunal accepts that the soak-aways, the meter housings and the

garage block are not in a perfect state of repair. However, the Tribunal is not required to consider whether the site is in a perfect state of repair. It has to consider whether there has been a deterioration in condition or a decrease in amenity since 26 May 2013. There is no evidence before the Tribunal to show that there has been any deterioration in the condition or decrease in amenity during that period. Indeed, the evidence suggests that these are all long standing issues.

33. The Respondent's request for speed control measures is a request for improvements. It is not evidence of deterioration of condition or decrease in amenity.

34. The Tribunal does not consider that the Respondent's complaints about the site map amount to any suggestion of a deterioration of condition or decrease in amenity.

35. In relation to the sewage problem, there is no evidence before the Tribunal to show the nature of the problem, whether the problem lies with part of the system which is the responsibility of the Applicant or the Respondent or when the problem occurred. The Tribunal cannot be satisfied that there is any deterioration of condition, decrease in amenity or reduction in services within the relevant period.

36. Apart from the specific issues raised by the Respondent, the Tribunal takes into account the general appearance of the site as noted on the inspection and recorded at paragraph 22 above.

37. Taking all these factors into account the Tribunal finds that it is not unreasonable for the presumption set out in paragraph 20 to apply. It determines that the pitch fee should be increased in line with the retail price index. The Applicant has stated that that increase was 2.8%. The Respondent has not taken issue with that figure. The current pitch fee was stated to be £141.70. A 2.8% increase results in a figure of £145.67. The Tribunal will make an order that the pitch fee should be £145.67 from 1 April 2014.

38. **Costs**. The Applicant asked the Tribunal to make an order that the Respondent pay the Applicant's costs of the application. The Tribunal may only make such an order if it considers that the Respondent has acted unreasonably in defending or conducting the application. The Respondent has failed in his challenge to the proposed increase. The Tribunal does not consider that his written statement addressed the proper issues which the Tribunal needed to consider, particularly under paragraph 18. However, the fact that the Respondent has not been successful does not mean that he has acted unreasonably. He was entitled to oppose the application. The Tribunal does not consider that he has acted unreasonably and it declines to make an order for costs against the Respondent.

Right of Appeal

39. Any party to this application who is dissatisfied with the Tribunal's decision may appeal to the Upper Tribunal (Lands Chamber) under section 231C of the Housing Act 2004 or section 11 of the Tribunals, Courts and Enforcement Act 2007.

40. A person wishing to appeal this decision must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with this application. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision. If the person wishing to appeal does not comply with the 28 day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 day time limit. The Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal and state the result the party making the application is seeking.

41. The parties are directed to Regulation 52 of the Tribunal Procedure (First-tier Tribunal)(Property Chamber) Rules 2013 SI 2013/1169. Any application to the Upper Tribunal must be made in accordance with the Tribunal Procedure (Upper Tribunal)(Lands Chamber) Rules 2010 SI 2010/2600.

J G Orme
Judge of the First-tier Tribunal
Dated 4 September 2014

Annex to decision in case reference CHI/00HA/PHI/2014/0009.

Mobile Homes Act 1983 (as amended).

Section 2

(1) In any agreement to which this Act applies there shall be implied the applicable terms set out in Part I of Schedule I to this Act; and this subsection shall have effect notwithstanding any express term of the agreement.

Schedule 1
Part I
Chapter 1

(1) The implied terms set out in Chapter 2 apply to all agreements which relate to a pitch in England and Wales except an agreement which relates to a pitch on a local authority gypsy and traveller site or a county council gypsy and traveller site.

Chapter 2
Paragraph 16

The pitch fee can only be changed in accordance with paragraph 17, either –

a) with the agreement of the occupier, or
b) if the appropriate judicial body, on the application of the owner or the occupier, considers it reasonable for the pitch fee to be changed and makes an order determining the amount of the new pitch fee.

Paragraph 17

(1) The pitch fee shall be reviewed annually as at the review date.
(2) At least 28 clear days before the review date the owner shall serve on the occupier a written notice setting out his proposals in respect of the new pitch fee.
(2A) In the case of a protected site in England, a notice under sub-paragraph (2) which proposes an increase in the pitch fee is of no effect unless it is accompanied by a document which complies with paragraph 25A.
(3) If the occupier agrees to the proposed new pitch fee, it shall be payable as from the review date.
(4) If the occupier does not agree to the proposed new pitch fee-
  (a) the owner or (in the case of a protected site in England) the occupier may apply to the appropriate judicial body for an order under paragraph 16(b) determining the amount of the new pitch fee;
  (b) the occupier shall continue to pay the current pitch fee to the owner until such time as the new pitch fee is agreed by the occupier or an order determining the amount of the new pitch fee is made by the appropriate judicial body under paragraph 16(b); and
  (c) the new pitch fee shall be payable as from the review date but the occupier shall not be treated as being in arrears until the 28th day after the date on which the new pitch fee is agreed or, as the case may be, the 28th day after the date of the appropriate judicial body's order determining the amount of the new pitch fee.

(5) An application under sub-paragraph (4)(a) may be made at any time after the end of the period of 28 days beginning with the review date but, in the case of an application in relation to a protected site in England, no later than three months after the review date.

(6) Sub-paragraphs (7) to (10) apply if the owner-

(a) has not served the notice required by sub-paragraph (2) by the time by which it was required to be served, but

(b) at any time thereafter serves on the occupier a written notice setting out his proposals in respect of a new pitch fee.

(6A) In the case of a protected site in England, a notice under sub-paragraph (6)(b) which proposes an increase in the pitch fee is of no effect unless it is accompanied by a document which complies with paragraph 25A.

(7) If (at any time) the occupier agrees to the proposed pitch fee, it shall be payable as from the 28th day after the date on which the owner serves the notice under sub-paragraph (6)(b).

(8) If the occupier has not agreed to the proposed pitch fee-

(a) the owner or (in the case of a protected site in England) the occupier may apply to the appropriate judicial body for an order under paragraph 16(b) determining the amount of new pitch fee;

(b) the occupier shall continue to pay the current pitch fee to the owner until such time as the new pitch fee is agreed by the occupier or an order determining the amount of the new pitch fee is made by the appropriate judicial body under paragraph 16(b); and

(c) if the appropriate judicial body makes such an order, the new pitch fee shall be payable as from the 28th day after the date on which the owner serves the notice under sub-paragraph (6)(b).

(9) An application under sub-paragraph (8) may be made at any time after the end of the period of 56 days beginning with the date on which the owner serves the notice under sub-paragraph (6)(b) but, in the case of an application in relation to a protected site in England, no later than four months after the date on which the owner serves that notice.

(9A) A tribunal may permit an application under sub-paragraph (4)(a) or (8)(a) in relation to a protected site in England to be made to it outside the time limit specified in sub-paragraph (5) (in the case of an application under sub-paragraph (4)(a)) or in sub-paragraph (9) (in the case of an application under sub-paragraph (8)(a)) if it is satisfied that, in all the circumstances, there are good reasons for the failure to apply within the applicable time limit and for any delay since then in applying for permission to make the application out of time.

(10) The occupier shall not be treated as being in arrears-

(a) where sub-paragraph (7) applies, until the 28th day after the date on which the new pitch fee is agreed; or

(b) where sub-paragraph (8)(b) applies, until the 28th day after the date on which the new pitch fee is agreed or, as the case may be, the 28th day after the date of the appropriate judicial body's order determining the amount of the new pitch fee.

(11) Sub-paragraph (12) applies if a tribunal, on the application of the occupier of a pitch in England, is satisfied that-

(a) a notice under sub-paragraph (2) or (6)(b) was of no effect as a result of sub-paragraph (2A) or (6A), but

(b) the occupier nonetheless paid the owner the pitch fee proposed in the notice.

(12) The tribunal may order the owner to pay the occupier, within the period of 21 days beginning with the date of the order, the difference between-
   (a) the amount which the occupier was required to pay the owner for the period in question, and
   (b) the amount which the occupier has paid the owner for that period.

Paragraph 18

(1) When determining the amount of the new pitch fee particular regard shall be had to –
   (a) any sums expended by the owner since the last review date on improvements –
      (i) which are for the benefit of the occupiers of mobile homes on the protected site;
      (ii) which were the subject of consultation in accordance with paragraph 22(e) and (f) below; and
      (iii) to which a majority of the occupiers have not disagreed in writing or which, in the case of such disagreement, the appropriate judicial body, on the application of the owner, has ordered should be taken into account when determining the amount of the new pitch fee;
   (aa) in the case of protected site in England, any deterioration in the condition, and any decrease in the amenity, of the site or any adjoining land, which is occupied or controlled by the owner since the date on which this paragraph came into force (in so far as regard has not previously been had to that deterioration or decrease for the purposes of this sub-paragraph);
   (ab) in the case of a protected site in England, any reduction in the services that the owner supplies to the site, pitch or mobile home, and any deterioration in the quality of those services, since the date on which this paragraph came into force (in so far as regard has not previously been had to that reduction or deterioration for the purposes of this sub-paragraph);
   (b) in the case of a protected site in Wales, any decrease in the amenity of the protected site since the last review date;
   (ba) in the case of a protected site in England, any direct effect on the costs payable by the owner in relation to the maintenance or management of the site of an enactment which has come into force since the last review date; and
   (c) in the case of a protected site in Wales, the effect of any enactment, other than an order made under paragraph 8(2) above, which has come into force in the last review date.

(1A) But, in the case of a pitch in England, no regard shall be had, when determining the amount of the new pitch fee, to any costs incurred by the owner since the last review date for the purpose of compliance with the amendments made to this Act by the Mobile Homes Act 2013.

(2) When calculating what constitutes a majority of the occupiers of the purpose of sub-paragraph (1)(b)(iii) each mobile home is to be taken to have only one occupier and, in the event of there being more than one

occupier of a mobile home, its occupier is to be taken to be the occupier whose name first appears on the agreement.

(3) In a case where the pitch fee has not been previously reviewed, references in this paragraph to the last review date are to be read as references to the date when the agreement commenced.

Paragraph 19

(1) When determining the amount of the new pitch fee, any costs incurred by the owner in connection with expanding the protected site shall not be taken into account.

(2) In the case of a protected site in England, when determining the amount of the new pitch fee, no regard may be had to any costs incurred by the owner in relation to the conduct of proceedings under this Act or the agreement.

(3) In the case of a protected site in England, when determining the amount of the new pitch fee, no regard maybe had to any fee required to be paid by the owner, by virtue of –

a) section 8(1B) of the Caravan Sites and Control of Development Act 1960 (fee for application for site licence conditions to be altered);

b) section 10(1A) of that Act (fee for application for consent to transfer site licence).

(4) In the case of a protected site in England, when determining the amount of the new pitch fee, no regard may be had to any costs incurred by the owner in connection with –

a. any action taken by a local authority under sections 9A to 9I of the Caravan Sites and Control of Development Act 1960 (breach of licence condition, emergency action etc);

b. the owner being convicted of an offence under section 9B of that Act (failure to comply with compliance notice).

Paragraph 20

(A1) In the case of a protected site in England, unless this would be unreasonable having regard to paragraph 18(1), there is a presumption that the pitch fee shall increase or decrease by a percentage which is no more than any percentage increase or decrease in the retail prices index calculated by reference only to –

(a) the latest index, and

(b) the index published for the month which was 12 months before that to which the latest index relates.

(A2) In sub-paragraph (A1), "the latest index" –

(a) in a case where the owner serves a notice under paragraph 17(2), means the last index published before the day on which that notice is served;

(b) in a case where the owner served a notice under paragraph 17(6), means the last index published before the day by which the owner was required to serve a notice under paragraph 17(2).

(1) In the case of a protected site in Wales, there is a presumption that the pitch fee shall increase or decrease by a percentage which is no more than any percentage increase or decrease in the retail prices index since the last review date, unless this would be unreasonable having regard to paragraph 18(1) above.

(2) Paragraph 18(3) above applies for the purposes of this paragraph as it applies for the purposes of paragraph 18.

Paragraph 2 5A

(1) The document referred to in paragraph 17(2A) and (6A) must-
  (a) be in such form as the Secretary of State may by regulations prescribe,
  (b) specify any percentage increase or decrease in the retail prices index calculated in accordance with paragraph 20(A1),
  (c) explain the effect of paragraph 17,
  (d) specify the matters to which the amount proposed for the new pitch fee is attributable,
  (e) refer to the occupier's obligations in paragraph 21(c) to (e) and the owner's obligations in paragraph 22(c) and (d), and
  (f) refer to the owner's obligations in paragraph 22(e) and 9(f) (as glossed by paragraphs 24 and 25).

(2) Regulations under this paragraph must be made by statutory instrument.

(3) The first regulations to be made under this paragraph are subject to annulment in pursuance of a resolution of either House of Parliament.

(4) But regulations made under any other provision of this Act which are subject to annulment in pursuance of a resolution of either House of Parliament may also contain regulations made under this paragraph.

The Mobile Homes (Pitch Fees) (Prescribed Form) (England) Regulations 2013 SI 2013/1505.

2. The document referred to in paragraph 17(2A) and (6A) of Chapter 2 of Part I of Schedule 1 to the Mobile Homes Act 1983 shall be in the form prescribed in the Schedule to these Regulations or in a form substantially to the like effect.

The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 SI 2013/1169

Rule 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 –
    i. in 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 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, section 74 (interest on judgment debts, etc) of the County Courts Act 1984 and the County Court (Interest on Judgment Debts) Order 1991 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 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.