



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

Case Reference : **DD/LON/OOAN/OC9/2015/0003**

Property : **4 Bishops Road, Fulham, London
SW6 7AB**

**Applicant
(Tenant)** : **Raincliff Limited**

Representative : **HPLP Solicitors**

**Respondent
(Landlord)** : **Panacre Limited**

Representative : **Kelvin Hing & Co Solicitors**

Type of Application : **Costs**

Tribunal Members : **Judge Tagliavini**

Date and venue of PTR : **10 Alfred Place, London WC1E 7LR**

Date of Decision : **22 July 2015**

DECISION

- (1) The tribunal determines that the sum of £3,000 plus VAT is payable by the applicant tenant to the respondent landlord in respect of the costs incurred in accordance with section 33 of the Leasehold Reform, Housing & Urban Development Act 1993 (“The Act”).

The application

1. The respondent landlord seeks the tribunal’s determination of the costs payable pursuant to section 33 of The Act, all other matters having been agreed between the parties in respect of the application to enfranchise made pursuant to section 24 of The Act.

The determination

2. Neither party requested an oral hearing and the tribunal determined the matter of costs on the documents provided. Despite comprehensive directions having been given by the tribunal dated 29 May 2015 in respect of the conduct and disposal of this application, neither party followed these instructions. Consequently, the substantive information and evidence before the tribunal comprised a Schedule of Costs from the landlord and a hand-marked Schedule of Costs with reductions and brief comments of “excessive time” and “not allowable under section 33” from the tenant. No further explanation of how the costs were incurred or why the disagreement arose was provided. The tribunal was also provided with copies of numerous emails passing between the parties. Neither party produced any statement in support or legal argument.
3. Consequently, having regard to the relevant statutory provisions and drawing upon its experience and expertise, the tribunal determined that it was unlikely that a fee earner of £300 per hour would be required to deal with every matter arising as listed in the Schedule of Costs. The costs claimed appear to relate to a period arising after the date of application to the tribunal. However, neither party has sought to take any issue with this aspect of the application for costs. The tribunal having scrutinised the Schedule of Costs, does however agree with the tenant that some of the items claimed do not fall within section 33 or relate solely to tribunal matters.
4. However, the tribunal accepts that the landlord has incurred a number of legitimate costs related to the tenant’s application and this, is not disputed by the tenant. Therefore, drawing upon its experience and expertise of enfranchisement applications and the likely work and costs involved where three flats are concerned, the tribunal determines that a

reasonable sum for costs allowable incurred under section 33 of The Act is £3,000 plus VAT.

Signed: Judge Tagliavini

Dated: 22 July 2015