



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

Case reference : **LON/00AE/OLR/2021/0767**

Property : **31A Burton Road, London NW6 7LL**

Applicants : **(1) Ms E Gorobets
(2) Mr J Ferrer**

Representative : **Mr F Hoar of counsel**

Respondent : **Connaught Estates Ltd**

Representative : **Mr K Velmi (director)**

Type of application : **Section 48 of the Leasehold Reform,
Housing and Urban Development 1993
and for a determination as to whether
the Respondent should pay costs.**

Tribunal members : **Judge S Brilliant
Mr K Ridgeway MRICS**

Venue : **10 Alfred Place, London WC1E 7LR**

Date of hearing : **30 March 2022**

Date of decision : **22 April 2022**

**Date of costs
decision** : **22 June 2022**

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DECISION

Upon reading:

1. The Applicants' revised statement of costs dated 03 March 2022.
2. The Respondent's response dated 27 April 2022.
3. The Applicants' reply dated 11 May 2022.

It is ordered that the Respondent pay the Applicants' costs of £10,276.80, including VAT, by 13 July 2022.

Reasons

1. At the end of hearing Mr Hoar made an application for costs on the basis of the Respondent acting unreasonably in defending and conducting these proceedings. The application was made under rule 13(1)(b)(iii) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) 2013 Rules ("the 2013 Rules"), which is the equivalent of a wasted costs order.
2. In our decision dated 22 April 2022 we accepted this submission.
3. We ordered that the Respondent should pay the Applicants' assessed costs from 27 January 2022 (the date by which the parties were expected to exchange valuations). It was pointless for the application to go to a hearing window after that date without a realistic challenge ever being made to the Applicants' expert's report which was a very fair one to both parties.
4. Insofar as in his response the Respondent attempted to go behind this decision, it is not open to him to do so.
5. Given that after 27 January 2022 the Respondent was not putting forward a case for the applicants to deal with, I scrutinise the time spent by the Applicants' solicitors with some care.
6. Insofar as what are reasonable and proportionate costs of the solicitors:
 - (a) I reduce correspondence with clients to £390.00.
 - (b) I reduce correspondence with the Respondent and his former solicitors also to £390.00.
 - (c) I reduce correspondence with others to £200.00.
 - (d) I allow attendances of £720.00.
 - (e) I reduce preparation of documents to £2,325.00. It seems to me that it is the landlord's responsibility to prepare the lease, the cost of which is to be borne by the tenant pursuant to s.60(1)(c) of the 1993 Act.
 - (f) I disallow solicitors' attendance at the hearing.
7. The solicitors' costs therefore total £4,025.00.
8. I allow counsel's fees.
9. I allow the disbursements.
10. The total comes to £10,276.80 including VAT.

Name: Simon Brilliant

Date: 22 June 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).