

9482

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

Case Reference : **LON/00AG/LSC/2013/0401**

Property : **Flat 2 (First Floor), 18 Kingdon
Road, London NW6 1PH**

Applicant : **Mr Michael Haeems - tenant**

Representative : **N/A**

Respondent : **Libra Property Management
Limited - landlord**

Representative : **Ronald Fletcher Baker LLP**

Type of Application : **Costs**

Tribunal Members : **Judge Tagliavini**

**Date and venue of
Hearing** : **14 October 2013 at
10 Alfred Place, London WC1E 7LR**

Date of Decision : **14 October 2013 and 12 November
2013**

DECISION

Decisions of the tribunal

1. The tribunal sets aside paragraph 3 of its decision of 14 October 2013 pursuant to regulation 51(1)(1)(d) of The Tribunal Procedure (First-tier Tribunal)(Property Chamber) Rules 2013, as it considers that it is in the interests of justice to do so, as the tribunal did not take into consideration the applicant's letter received on 30 September 2013 by the tribunal when making its decision on costs.
2. The remainder of the decision of 14 October 2013 stands.
3. As this application was made by the applicant on 10 June 2013, the tribunal can consider making an award of costs limited to £500 as it predates the enactment of the 2013 Property Chamber Rules; Schedule 3 paragraph 3(3)(7) of The Transfer of Tribunals Functions Order 2013 applies.
4. The applicant seeks the payment of his solicitor's costs in the sum of £364 including VAT; costs amounting to £500 for time spent on the application, printing and photocopying costs and travel to and for from the tribunal and (legal) advisor.
5. As stated above the application was received by the tribunal on 10 June 2013. A pre trial review hearing was held on 4 July 2013, which the applicant attended in person. Directions were subsequently issued on 4 July 2013 requiring the respondent landlord to send to the applicant tenant a statement identifying any service charge it concedes by virtue of section 20B of the Landlord and Tenant Act 1985 For any year not so conceded the landlord was directed to serve copies of any demands made together with supporting invoices. By a letter dated 23 July 2013 the landlord conceded that no service charges up to 30 July 2012 were payable. By a letter dated 19 August 2013 the landlord accepted that no demand had yet been made for the period beginning 30 July 2012 and therefore there were no outstanding service charge issue to be dealt with by the tribunal. A signed consent order setting out the terms of the parties agreement was received by the tribunal dated 14 October 2013.
6. In reaching its decision on the issue of costs the tribunal takes into account the conduct of the landlord after the issue of the application. It is the tribunal's opinion that this conduct cannot be categorised as frivolous, vexatious, abusive or disruptive or otherwise unreasonable. The tribunal takes the view that within the time specified by the tribunal at the pre trial review hearing, the landlord conceded that service charge demands had not been made in a timely manner. Thereafter, before any further substantive step needed to be taken by the applicant, the landlord conceded that no demands had yet been made for any later service charges. The tribunal does not regard this

conduct or concessions by the landlord after the issue of the application or in its conduct of the proceedings to be vexatious or abusive or otherwise unreasonable.

7. The tribunal notes that the applicant's invoice for his solicitor's fees is dated 25/09/2013. It is unclear whether, the applicant sought this advice before the application was issued or after the date the landlord made the substantive concessions. The tribunal does not accept that these or the other costs claimed are as a result of the landlord's behaviour and does not accept that cost of travel to a pre-trial review directed by the tribunal can be regarded as costs arising as a result of the landlord's frivolous, vexatious, abusive or otherwise unreasonable behaviour. The applicant has given no breakdown of the photocopies made, nor given a description of the documents referred to or the printing costs or their number. The tribunal finds that the applicant's claim for costs of £500 in respect of these matters is vague and unsubstantiated.
8. Consequently, the tribunal finds that it is not appropriate to make any award of costs in this matter except for the reimbursement of the application fee to the applicant by the respondent in the sum of £100 as directed earlier.
9. The tribunal approves the Consent Order dated 14 October 2013 drafted and signed by the parties, and that Consent Order together with the tribunal decisions dated 14 October 2013 and 12 November 2013 on costs shall dispose of the applicant's application.

Judge Tagliavini

12 November 2013