



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

Case reference : **LON/00AJ/LSC/2018/0125**

Property : **Ground floor flat 10 Newton Avenue, London W3 8AH**

Applicant : **Mr. Miodrag Markovic**

Representative :

Respondent : **Ms Victoria Igobji-Imo**

Representative :

Type of application : **For the determination of the reasonableness of and the liability to pay a service charge**

Tribunal member : **Tribunal Judge Dutton**

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

Date of decision : **31st May 2018**

DECISION

Decisions of the tribunal

Background

1. On reading the email from the Respondent dated 23rd May 2018 it is noted that the Respondent now agrees that £200 is payable and the sticking point is the question of costs. This Tribunal is generally cost neutral. However the Applicant can seek recovery of the Tribunal fees, presently £100 (rule 13(2) of the Tribunal Procedure Rules). In addition, if the provisions of rule 13(1)(b) are established, a person acting unreasonably can be required to pay costs incurred in '*bringing, defending or conducting proceedings*'. It would appear that the Applicant seeks the sum of £210 for these further elements as set out in his letter dated 14th May. These can be sought under a separate application using the provisions of rule 13. It is not a straight forward matter.
2. A copy of this Decision is being sent to Mr Markovic so that he can consider whether he wishes to pursue the cost claim. On the question of the Tribunal fee a decision can be made on that under rule 13(2) and both are invited to submit your reasons for seeking/objecting to paying the £100 within 14 days.
3. The provisions of rule 13 are set out below and the decision in the case of *Willow Court Management Company (1985) Ltd v Mrs Ratna Alexander* [2016] UKUT (LC), will need to be considered.

FINDINGS

4. The Tribunal therefore finds that the Respondent has admitted that the sum of £200 is due and owing and that it should be paid in 14 days. The question of the costs will be considered separately following submissions from you both on the Tribunal fee of £100 and the application by the Applicant if he considers a claim can be made under the provisions of Rule 13, which must be lodged within 28 days of the receipt of this letter.

Andrew Dutton

Tribunal Judge Dutton

31st May 2018

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).

Orders for costs, reimbursement of fees and interest on costs 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 in— (i) 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 to the person against whom the order is sought to be made; and (a) S.I. 1998/3132 10 (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(a), section 74 (interest on judgment debts, etc) of the County Courts Act 1984(b) and the County Court (Interest on Judgment Debts)

Order 1991(c) 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 a 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. R