



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

Case reference : **LON/00BB/LSC/2019/0255**

Property : **First Floor Flat , 153B Grange Road,
London E13 0HA**

Applicant : **Hafiz Al Sadat Choudhuri**

Representative : **Nowshad Choudhuri (Brother of
Applicant)**

Respondents : **Chamber Estates Limited**

Representative : **Martin Paine (Circle Residential
Management Ltd)**

Type of application : **Reasonableness of service charges**

Tribunal member(s) : **Jim Shepherd
Hugh Geddes**

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

Date of decision : **9 December 2019**

COSTS DECISION

Determination

The application for costs under Rule 13 (b) of the Tribunal Procedure (First Tier Tribunal) (Property Chamber) Rules 2013 is dismissed.

Reasons

1. The Tribunal made a determination in favour of the Respondent. In its decision at paragraph 13 the Tribunal stated that the case was not reasonably brought by the Applicant. The Respondent states in his application for costs dated 18th November 2019 that the *conduct of the Applicant has already been determined*. The statement by the Tribunal related to the application in general it was not made in the context of a costs application under Rule 13 (b) - none having been made at the hearing.
2. In relation to a costs application under Rule 13 (b) there is a high threshold to meet before the Tribunal could decide that the Respondent *acted unreasonably* in the sense referred to in the Rule. As stated in *Willow Court Management (1985) Ltd v Alexander* [2016] 0290 UKUT (LC) *if there is no reasonable explanation for the conduct complained of, the behaviour will be adjudged to be unreasonable, and the threshold for making an order will have been crossed*.
3. This high threshold is not crossed in the present case. Mr Choudhuri made his application in good faith albeit it was a misguided application. Accordingly there was a reasonable explanation for the conduct complained of.

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).

Judge Shepherd

9 December 2019