



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

Case Reference : **LON/00BK/LSC/2019/0347**

Property : **75 Southwold Mansions, Widley Road,
London W92LF**

Applicant : **Scmilla (Freehold) Limited (**
Claimant/Applicant

Representative : **Zachary Kell**

Respondents : **(1) Abdalla Abd El -Mottaleb Mahmoud (**
Deceased)
(2) Mervat Ali Mohamed Ali

Representative : **In person represented by daughter**

Type of Application : **Payability of service charge.**

Tribunal Members : **Jim Shepherd**
: **Michael Taylor FRICS**

In the county court : **Judge Jim Shepherd, with Michael**
Taylor FRICS as assessor

Date of Decision : **12th May 2020**

COSTS DECISION

On 19th March 2020 the Tribunal set aside the costs part of its decision in this case. Submissions were invited in relation to the challenge by the Respondents against the costs claimed by the successful Applicant. In summary the Respondents challenged the following:

- a) The statement of costs was poorly drafted.
- b) Copy invoices were sought to confirm the indemnity principle had been applied.
- c) The hourly rates were excessive,
- d) The fee earners claims did not tally up.
- e) The number of fee earners on the case was excessive.
- f) The time spent was excessive.
- g) The costs are not reasonable or proportionate.

The Respondents offered £3750 against the amount claimed by the Applicant of £7357.20.

The Applicant responded to the challenge in their submissions dated 2nd April 2020:

- a) The drafting of the statement of costs did not affect liability.
- b) The Applicant relied on the costs provision in the lease.
- c) The hourly rates were reasonable.
- d) The fee earners hourly rates were based on experience.
- e) The number of fee earners working on the case was reasonable.
- f) The time spent was reasonable.
- g) The costs were reasonable and reliance was placed on the lease provision.

Decision

The Tribunal has previously decided that the costs were reasonably incurred. The claim was for a relatively large sum of £20457.31. The Applicant was entirely successful in the claim and the costs claimed appeared non excessive in the Tribunal's experience. The Respondents submissions which represent a broad attack on the costs claimed fail to persuade the Tribunal

that its original decision is not correct. The statement of costs was not unusual. There were costs provisions in the lease which the Applicant was entitled to rely on. The hourly rates were not excessive. Neither was the number of fee earners involved.

Accordingly, the Respondents are liable to pay the Applicant's costs summarily assessed at £7357.20 within 28 days of receipt of the order.

Jim Shepherd

12th May 2020

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).

