



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

	: LON/00AP/HMF/2021/0090 & 0073
Property	: (x2) 70 Wightman Road, N41RW
Applicants	: Lea Formaux and Katie Bretherick
Representative	: Mr Swirsky
Respondent	: Alice Murphy
Representative	: Mr Evans
Type of Application	: Application for a Rent Repayment Order
Tribunal Members	: Judge Shepherd Appollo Fonka MCIEH
Date of Decision	: 31st May 2022

DETERMINATION AS TO COSTS

1. This case concerned an application for a Rent Repayment Order pursuant to section 41 (1) of the Housing and Planning Act 2016. The premises occupied by the Applicants was 70 Wightman Road, London, N4 1RW (“The Premises”).
2. As indicated in the decision the tribunal were not impressed by the Respondent’s evidence. She lacked any real credibility.
3. The Applicants solicitors have submitted an application pursuant to Rule 13. They seek to argue that the Respondent acted unreasonably in relation to the proceedings. She failed to comply with directions and tried to adjourn the hearing as she was unwell, her evidence lacked credibility and she failed to engage in settlement negotiations.
4. None of the criticisms would justify a Rule 13 costs award either separately or collectively. The Tribunal often deals with cases where parties have not complied with directions, where adjournments are sought, where one party is believed and the other not and a party has failed to engage in settlement negotiations.
5. The Applicants’ solicitors would be well advised to study the scope of costs awards under Rule 13 as explained in *Willow Court Management Court v Alexander* [2016] UKUT 290 (LC). In addition, the costs claimed (in excess of £40000) are entirely disproportionate for the work involved.

Judge Shepherd

31/5/22

ANNEX - RIGHTS OF APPEAL Appealing against the tribunal’s decisions

1. A written application for permission must be made to the First-tier Tribunal at the Regional tribunal office which has been dealing with the case.

2. The application for permission to appeal must arrive at the Regional tribunal office within 28 days after the date this decision is sent to the parties.
3. 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.
4. The application for permission to appeal must state the grounds of appeal, and state the result the party making the application is seeking. All applications for permission to appeal will be considered on the papers
5. Any application to stay the effect of the decision must be made at the same time as the application for permission to appeal.