



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

**Case Reference** : **LON/00BK/LSC/2022/0154**

**Property** : **2 Falmouth House, London W2 2NT**

**Applicant** : **FALMOUTH HOUSE LTD**

**Respondents** : **MR AND MRS DAO**

**Type of Application** : **Costs and s20C Landlord and Tenant Act  
1985**

**Tribunal Members** : **Judge Shepherd**

**Date of Decision** : **2<sup>st</sup> March 2023**

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**DECISION**

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1. Both parties have applied for their costs. The Applicants have applied under Rule 13 of the Tribunal Rules alleging that the Respondent behaved unreasonably by being evasive in refusing to respond to an email or in refusing to agree quantum following clarification by the Tribunal. Whilst the Respondent's conduct was obstructive I bear in mind that he was a litigant in person (see Willow Court paras 31-34) who may not have behaved this way with proper legal advice. His conduct was not unreasonable in the sense described in Willow Court. The Applicants application for costs is dismissed.
2. The Respondent also applied for costs. This application is dismissed. Self- evidently he lost the case and the conduct of the Applicants is not open to challenge.
3. The Respondent's application under s 20C Landlord and Tenant Act 1985 is also dismissed. He has sought every means possible to avoid meeting his obligations under the lease. The defence was misguided.

Judge Shepherd

2<sup>nd</sup> March 2023

#### 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.

