



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

**Case reference** : **LON/00BF/LSC/2022/0030**

**Property** : **Belmont View, 7 Station Approach,  
Sutton SM2 6BW**

**Applicants** : **(1) The Leaseholders named on the  
application  
(2) 7 Station Road RTM Company  
Limited**

**Representative** : **Pro-Leagle (Solicitors)**

**Respondent** : **Assethold Limited**

**Representative** : **Eagerstates Ltd (Managing Agent)**

**Type of application** : **Costs pursuant to rule 13 of the Tribunal  
Procedure (First-tier Tribunal)  
(Property Chamber) Rules 2013**

**Tribunal members** : **Judge N Hawkes  
Mrs S Redmond BSc (Econ) MRICS**

**Date of hearing** : **8 November 2023**

**Date of decision** : **31 July 2024**

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**DECISION**

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**The Tribunal's decision**

The Respondent is ordered to pay the Applicants' costs assessed in the sum of £32,750 pursuant to rule 13 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013.

## **The background**

1. The Tribunal's power to award costs is derived from section 29 of the Tribunals, Courts and Enforcement Act 2007, which includes provision that:

*29. Costs or expenses*

*(1) The costs of and incidental to—*

*(a) all proceedings in the First-tier Tribunal ...*

*shall be in the discretion of the Tribunal in which the proceedings take place.*

*(2) The relevant Tribunal shall have full power to determine by whom and to what extent the costs are to be paid.*

*(3) Subsections (1) and (2) have effect subject to Tribunal Procedure Rules ...*

2. Rule 13 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 ("the 2013 Rules") provides so far as is material:

*13.—(1) The Tribunal may make an order in respect of costs only—*

*...*

*(b) if a person has acted unreasonably in bringing, defending or conducting proceedings in—*

*...*

*(ii) a residential property case.*

*...*

*(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.*

3. By written submissions dated 16 January 2023, the Applicants applied for an order for costs against the Respondent pursuant to rule 13 of the 2013 Rules. The Tribunal has been informed by the Applicants that they were told at a case management hearing that their application for costs pursuant to rule 13 would be dealt with at the end of these proceedings.
4. The Tribunal's substantive decision was issued on 17 November 2023. On 18 December 2023, the Respondent applied for permission to appeal. By a decision dated 19 December 2023, the Tribunal refused the Respondent permission to appeal. Directions were issued on 7 February 2024 for the determination of the Applicants' application pursuant to rule 13 of the 2013 Rules. The Tribunal was then informed that the Respondent had applied to the Upper Tribunal for permission to appeal and so the Applicants' application for costs was stayed.
5. By a decision dated 4 March 2024, the Upper Tribunal refused permission to appeal and also stated:

*"...The applicant should take heed, however, that even if there had been viable grounds of appeal his persistent failure to supply the information required by the Tribunal's rules (in particular the names and addresses of the intended respondents) would have provided grounds for dismissal of the application. The need for that information is clear from the T602 form, but it was not supplied. A reminder that that information was required was sent by the Tribunal on 20 February, 13 days ago, but has gone unanswered. When making applications for permission to appeal in future the applicant (which is very experienced in tribunal proceedings) should take care to comply with the Tribunal's procedural rules or risk its applications being dismissed for non-compliance. In the absence of some credible explanation the Tribunal is likely to assume that any future instances of non-compliance are a deliberate attempt by the applicant to delay the final disposal of proceedings, which would be an abuse of process."*

6. Following receipt of the Upper Tribunal's determination, the stay was lifted and Amended Directions were issued on 15 March 2024. These directions included provision that this application would be determined without a hearing on the basis of the written submissions from the parties unless either party requested an oral hearing by 10 April 2024. No party has requested an oral hearing. Accordingly, this application for costs has been determined on the papers.

## **The law**

7. In determining this application, the Tribunal has had regard to *Willow Court Management Ltd v Alexander* [2016] UKUT 290 (LC); [2016] L. & T.R. 34, in which the Upper Tribunal gave guidance concerning the approach that a Tribunal should take when considering a rule 13 application for costs.

8. The Tribunal has considered the entirety of *Willow Court* and notes that, at paragraph [43], the Upper Tribunal stated:

*“A decision to award costs need not be lengthy and the underlying dispute can be taken as read.”*

9. There are three matters to be considered before an award of costs under rule 13(1)(b)(ii) of the 2013 Rules can be made: whether the party has acted unreasonably (applying an objective test); if so, whether in the light of the unreasonable conduct, the Tribunal ought to make an order for costs; and, if so, the terms of the order.

10. At [24] of *Willow Court*, the Upper Tribunal stated:

*“... An assessment of whether behaviour is unreasonable requires a value judgment on which views might differ but the standard of behaviour expected of parties in tribunal proceedings ought not to be set at an unrealistic level. We see no reason to depart from the guidance given in *Ridehalgh v Horsefield* at 232E, despite the slightly different context. “Unreasonable” conduct includes conduct which is vexatious, and designed to harass the other side rather than advance the resolution of the case. It is not enough that the conduct leads in the event to an unsuccessful outcome. The test may be expressed in different ways. Would a reasonable person in the position of the party have conducted themselves in the manner complained of? Or Sir Thomas Bingham’s “acid test”: is there a reasonable explanation for the conduct complained of?”*

11. The Tribunal at the second and third stages should have regard to all the circumstances. The nature, seriousness and effect of the unreasonable conduct are important factors but no causal connection between the conduct and the costs incurred is required,

## **The Applicants’ submissions**

12. The Applicants’ submissions at the time of the third case management hearing in January 2023 were as follows:

*1. Since the issue of service charge/administration charge proceedings (including return of uncommitted service charges following RTM), dated*

25.1.2022, there have been two CMCs dated 1.3.2022 and 3.5.2022. At the first CMC, Professor Robert Abbey ordered Assethold, the equitable freeholder of 7 Station Approach, to disclose by 15 March signed and dated TR1, deeds, documents and signed and dated contract by. By way of letter of 2 March 2022, the Tribunal reminded Assethold of possible sanctions for failing to comply. The Respondent failed to comply and a second CMC was convened followed by further Directions stating that (para 5) Assethold was to “use it best endeavours to comply with the previous Directions of the Tribunal and provide all missing documentation regarding the purchase of the freehold interest by close of business on Friday 6 May 2022”. To date, the Respondent remains in breach of these Directions as no executed Contract of Sale was supplied. On 31.6.2022, the second Directions were amended to correct typographical errors.

2. Following a Preliminary Hearing on 22.7.2022, standard disclosure Directions were issued. Assethold was required by 2.9.2022 to supply copies of all service charge accounts, estimates and demands together with copies of “all underlying invoices”, bank records and other documentation records (paper or electronic) relating to the matters in the said service charge accounts. On 2.9, Assethold supplied various incomplete and jumbled documentation (and no bank records) by way of three online links that shortly expired.

3. Pursuant to TD3 of TD of 22 July, on 6.10.22, the Applicants served Scott Schedule with Explanatory Notes in which further information and documentation related to the service charges were required. By way of email of the same day, the Applicants’ solicitors wrote :-

“I suggest that you review the Scotts Schedule [sic] for the documentation missing or information sought, although I will also require all the documentation required in my Clients’ s93 letter to you 6.1.2021 including Bank Statements from the Reserve Fund account and daily account since May 2019”.

4. In the absence of a response from Assethold, the Tribunal was notified on 10.10.22 that disclosure had been insufficient:-.

“ Whilst we have prepared the Scotts Schedule (as attached) in response, we have not been able to prepare a complete analysis of the service charges and insurance rent because there are so many documents and information missing. In a previous case, Assethold Limited -v- William & Kirsty Hoye and Nicola Fox [LC 2021-000603], this worked in Assethold’s favour as the leaseholders could not prove invalidity of their Buildings’ Insurance because the evidence albeit requested had not been supplied (copy LC Decision attached). In order to avoid a recurrency of this situation, we have prepared “Documentation Missing from Assethold’s Disclosure”, a copy of which is attached. We would be grateful if the Tribunal could order disclosure of all the documentation contained therein within fourteen days, failing which Assethold shall be held unable to claim those items. Given that

*there is a further application outstanding for Return of Uncommitted Service Charges, we attach leaseholders' letter, dated 6 January 2021, requesting disclosure by Assethold/Eagerstates under s93 CLRA 2002. We would be grateful if the Tribunal could also order disclosure of documentation/information requested therein, so that this second application can be properly addressed”.*

*5. The Tribunal wrote to Assethold to elicit a response (13.10.22) and thereafter to provide an extension of fourteen days to supply the missing documentation (1.11.2022). On 9.11.2022, Assethold wrote to the Tribunal refusing to supply the papers on the grounds it appears that the documents requested did not form part of the standard disclosure Directions of 22.7. It, however, supplied four further documents to the Applicants, as set out in the Applicants email to the Tribunal on 10.11.2022, which includes the following:-*

*“Assethold has simply refused to cooperate, which is both unreasonable and inherently damaging to the proper running of this case. As per the Tribunal’s correspondence of 1.11.2022, we respectfully now request that Assethold be debarred from defending the matter further under the provisions of rule 9(1) and 9(7)”.*

*6. On 1.12.2022, the Tribunal debarred Assethold from defending these proceedings although given the objection made by it, a further CMC has been arranged to decide this and the issue of the Applicant’s application for an order to request Assethold’s insurers to supply information and paperwork directly to the Applicants, as per Buildings’ Insurance documentation and information required from insurers directly.*

#### *Submissions*

*7. The Applicants assert that the Respondent has repeatedly failed to comply with Directions. At the same time as opposing its debarring these from proceedings, it has not responded to the Scott Schedule provided to it on 6.9.2022 and has not supplied submissions in respect of the Applicants’ Statement of Case, which it should have done by 11.11.2022 (TD4 of TD of 22.7.2022).*

*8. The Respondent failed to comply with both standard Directions and later Tribunal directions to disclose information and documentation necessary for the proper and reasonable running of this particular service charge case. It has failed to put forward a logical argument as to why.*

*9. The missing information is crucial for the analysis of the service charge accounts and payability and the Applicants cannot reasonably proceed to final hearing without documentation such as Paid Invoices, Contracts, Full insurance paperwork, Discounts/Commissions paid in respect of the insurance (to be deducted under the leases), Insurance Claims made by*

*Assethold, validity of those insurance policies.,etc. The interests of justice are not being met in a situation where a multi-million pound freehold company, such as Assethold, is not sanctioned for significant failures of disclosure, having wasted considerable time and expense and Tribunal resources to date on what should be a straightforward matter. In LC case, Assethold Limited -v- William & Kirsty Hoye and Nicola Fox (LC 2021-000603), Assethold's tactic of failure to disclose full Buildings' Insurance papers in the Tribunal worked in its favour as the Lands Chamber decided that the information before it was insufficient to prove invalidity. These Applicants should not be prejudiced where service charge paperwork has been requested but there has been a failure to supply it. In order to prevent this occurring again, the 2013 Rules should be used as intended, not only to sanction Assethold but also to obtain the necessary information and documentation directly (where possible).*

*10. The Respondent's conduct during these proceedings (this is the third CMC) has been wholly unreasonable to the extent that costs under Rule 13 should be awarded to the Applicants.*

13. The Applicants' further submissions dated 27 March 2024 include the following matters:

*3. As evidenced in the timeline above, prior to Assethold being debarred on 1 December 2022, the Tribunal bent over backwards in an effort to ensure that Assethold complied with Directions, extending deadlines for compliance multiple times over multiple amended Directions, adjourning and re-listing hearings and discouraging 'obstruction' by issuing repeated warnings to Assethold, culminating in the Unless Order dated 3 May 2023.*

*4. And yet, Assethold, a multi-million-pound company, remained in breach of every Direction issued, including the Unless Order of 3 May 2023.*

*4.1 The intervention described above involved a considerable number of Procedural Judges (Professor Ferrand, Judge Dutton, Procedural Chair Judge Bowers, Mr. Holdsworth, Judge Martynski), which placed an unreasonable time and cost burden on the Tribunal and Applicants. As set out in the introduction to these Submissions, the case went from an estimated 6-8 months to over 24 months because Assethold commenced a procedural war of attrition against the Applicant leaseholders. To add to this, the freehold asset fell into escheat to the Crown during these proceedings because Assethold failed to register its acquisition of the freehold in May 2019.*

*5. The Applicants, two of whom were harassed to pay disputed service charges and administration fees amounting to £1,139.39 to Assethold/Eagerstates during these proceedings (copy demand supplied), have been frustrated by delays and obfuscation caused by Assethold, including:-*

*- failure to file and issue submissions*

*-failure to comply with directions (including an unless order)*

*-failure to supply service charge evidence comprising the leaseholders' case*

*-adjournments, postponements, listing 4 months as unavailable for hearings twice*

*-writing false statements to the Tribunal alleging compliance in a 'smoke and daggers' attempt*

*-a meritless application to debar them, etc*

*The Applicants have been unable to sell their flats during proceedings or re-mortgage on a fixed term, meaning that they were required to go onto high variable mortgage interest rates. They have been significantly prejudicially affected (financially and psychologically) by these and the unexpected burden of costs incurred.*

...

*5.1 The fact that Assethold proceeded to seek Permission to Appeal in respect of every Tribunal decision made from 1 February 2023 (with the exception of the decision refusing the debarring of the Applicants) when clearly it had no reasonable grounds to do so, was also evidence of unreasonable conduct. The Tribunal's letter to Assethold of 14 July 2023 rejecting its latest permission to appeal included the following statement from Procedural Chair, Judge Bowers:-*

*"the Respondent is taking a circular and possibly vexatious approach to this matter with regards the applications for permission to appeal".*

*5.2 It is submitted that a reasonable Respondent who had already been debarred and then sent an Unless Order to disclose documents, would heed the remark from Judge Bowers and reconsider its actions. This Respondent, however, did not bother to comply with the Unless Order and continued its unreasonable behaviour by applying directly to the Lands Chamber for permission to appeal every time the Tribunal refused.*

*5.3 It is clear from Lands Chamber Refusal Decisions that there were no reasonable grounds for seeking to appeal. And even the Lands Chamber seem confused about what the Applicant sought to appeal following two previous refusals : (Para 2 of LC decision dated 7 September 2023 - UT Judge Elizabeth Cooke):-*



*“...I have some difficulty in understanding what it is that the Applicant now seeks permission to appeal”.*

...

*6. Having regards to what is set out above and with reference to the two-part test set out in the Willow Court case, a reasonable person in the position of Assethold would not have conducted themselves in the manner complained and there is no reasonable explanation for the conduct complained of. Once the first stage has been passed, the power to award costs is not constrained by the need to establish a casual nexus between the costs incurred and the behaviour to be sanctioned. It is for the Tribunal to decide whether to make a costs order and what that costs order should be.*

14. We have also taken into account the Applicants’ undisputed chronology which is annexed to this decision.

### **The Respondent’s submissions**

15. The Tribunal’s Directions made express provision for the Respondent to, by 24 April 2024, send to the Applicants a statement in response to the Applicants’ application for costs pursuant to rule 13(1)(b)(ii) of the 2013 Rules setting out: (a) The reasons for opposing the application, with any legal submissions; (b) Any challenge to the amount of the costs being claimed, with full reasons for such challenge and any alternative costs; (c) Details of any relevant documentation relied on with copies attached.
16. The Tribunal has been informed that the Respondent failed to send the Applicants these documents by 24 April 2024 (or at all). Accordingly, the Applicants’ account of what occurred is unchallenged. However, the Respondent also has not conceded the Applicants’ application.

### **The Tribunal’s determinations**

17. The Respondent has not sought to challenge the facts asserted by the Applicants in seeking an order for costs pursuant to rule 13(1)(b)(ii) of the 2013 Rules.
18. As stated above, by its decision dated 4 March 2024, the Upper Tribunal when refusing permission to appeal this Tribunal’s substantive decision noted that the Respondent is very experienced in Tribunal proceedings and stated that, in the absence of some credible explanation for the Respondent’s non-compliance with its rules, the Upper Tribunal would be likely to assume that any future instances of non-compliance were a deliberate attempt by the Respondent to delay the final disposal of proceedings, which would be an abuse of process.

19. The Respondent has failed to provide any credible explanation for its failure to comply with numerous Tribunal Directions and orders throughout the course of these proceedings (see the Applicants' chronology which is annexed below). The Respondent has also failed to participate in these proceedings concerning costs, whilst failing to concede the Applicants' application for costs, thereby causing the Applicants to incur further time and expense bringing this application before the Tribunal. Despite its extensive experience of Tribunal proceedings, the Respondent made an application for permission to appeal in 2023, which was so unclear that the Upper Tribunal had difficulty in understanding it.
20. The Respondent has failed to help the Tribunal to further the overriding objective and it has failed to co-operate with the Tribunal generally (see rule 3 of the 2013 Rules). We have considered the frequency, nature, and extent of the Respondents' failures to meet its procedural obligations, together with the lack of any credible explanation, or even any meaningful participation in these proceedings concerning costs.
21. Having considered these matters, we find that it is likely on the balance of probabilities that the Respondent has throughout been deliberately attempting to delay the final disposal of these proceedings when it had no intention of complying with the Tribunal's Directions and properly engaging with the merits of the substantive issues raised by the Applicants. We find that this an abuse of process and unreasonable conduct. In our judgment, there no reasonable explanation for the conduct complained of.
22. We are also satisfied that, in the light of the unreasonable conduct, the Tribunal ought to make an order for costs. The Applicants have been put to considerable expense and inconvenience by the Respondent's conduct and the Respondent has made no representations to the Tribunal opposing the making of a costs order.
23. The Applicants have incurred costs in the sum of £38,571. In determining the amount of the order for costs, we have considered all the circumstances and, in particular, the nature, seriousness and effect of the Respondent's unreasonable conduct. The Respondent's defaults appear to be wilful. We note from the Applicants' chronology that there are repeated instances of the Respondent failing keep the Applicants informed of relevant matters.
24. If the Respondent had conceded the Applicants' position at an early stage instead of engaging in the conduct described above most of the Applicants' legal costs could have been avoided. The Respondent has not made any submissions concerning the level of the Applicants' costs. In our judgment, it was not necessary for all of the work to have been carried out by a Grade A fee earner, but the Grade A fee earners' rates are well below the guideline hourly rates and the time spent appears reasonable.
25. Taking all of these factors into account and placing weight on our assessment of the nature, seriousness and effect of the Respondent's unreasonable conduct, we order the Respondent to pay to the Applicants

legal costs in the sum of £32,750 representing in the region of 85% of the costs incurred.

**Name:** Judge N Hawkes

**Date:** 31 July 2024

## **Annex The chronology prepared by the Applicants**

### Pre-proceedings

**1 May 2019** Assethold purchases freehold asset of 7 Station Approach from Belmont (Sutton) but fails to register purchase at the Land Registry

**21 September 2020** Applicants serve RTM Claim Notice on Assethold (equitable freeholder) and Belmont (Sutton) (legal freeholder)

**1 February 2021** Applicants take over RTM

**26 October 2021** Belmont (Sutton) is dissolved at Companies House

### During proceedings

**26 January 2022** Applicants issue Applications for a Determination of Service Charges and Administration Charges and Return of Uncommitted Service Charges following RTM

**2 February 2022** Applicants' solicitor writes to Assethold enclosing statutory request under s11A Notice to New Landlord to Furnish Particulars of Disposal Made in Contravention of Part 1 of the Landlord and Tenant Act 1987, including executed and dated TR1, signed contract and copy consent of disposal of dealing between Belmont (Sutton) and Railtrack. No documents received.

**9 February 2022** Tribunal writes to parties listing CMC for 29 February

**25 February 2022** Ronni Gurvits of Assethold/Eagerstates writes to Tribunal one working day before CMC requesting an adjournment because he "has other commitments"

**25 February 2022** Tribunal writes to parties (attaching Assethold's email of 25.2), refusing to adjourn CMC because it is (1) too late and would cause unfairness to the Applicant (2) Mr Gurvits had not explained what his "other commitments were" and (3) attendance at a CMC is not strictly necessary

**28 February 2022** The freehold assets escheats to the Crown

**28 February 2022** Applicants writes to the Tribunal and Assethold stating that Assethold's request for an adjournment of 25.2 was not received and that no documentation supplied pursuant to statutory request of 2.2 regarding the disposal of the freehold from Belmont (Sutton) Surrey to Assethold prior to the CMC

**29 February 2022** First CMC

**1 March 2022** Tribunal issues Directions following CMC requiring by 15 March, disclosure of papers relating to freehold sale to Assethold, including signed TR1 and contract of sale to confirm whether or not it was the owner (legal or equitable) of 7 Station Approach

**2 March 2022** Tribunal sends letter to parties warning against consequences of failure to comply with Directions

**22 March 2022** Applicants write to the Tribunal stating that despite Assethold not having served contract of sale, it had served (unsigned) TR1 and a letter from Network Rail confirming that it was equitable freeholder of 7 Station Approach. Nonetheless, sanctions should be applied because the contract had not been supplied and the first CMC was not reasonably necessary because all it addressed was the lack of disclosure relating to the sale of the freehold to Assethold when the papers should reasonably have been sent following s11a Notices under the 1987 Act dated 2 February 2022.

**25 March 2022** Tribunal writes to Assethold requesting it comments on sanctions by 8 April 7 April 2022 Assethold writes to the Tribunal to reject sanctions on the basis that it has complied with directions and Applicants should have requested documents relating to the sale beforehand (they had done on 2.2.22 -as above).

**13 April 2022** Tribunal lists 2nd CMC by remote hearing on 3 May at 12noon

**3 May 2022** 2nd CMC takes place. Tribunal sends Directions to the parties (as amended on 31 May) requiring Assethold to comply with previous directions and requiring parties serve submissions in respect of Preliminary Hearing

**6 May 2022** Assethold files and serves list of unavailable dates for the Preliminary Hearing showing unavailability for whole of July, August and September

**1 June 2022** Tribunal sets down Preliminary Hearing date of 21 July

**16 June 2022** Assethold requests an adjournment of Preliminary Hearing (not received by Applicants)

**16 June 2022** Assethold requests extension of time to comply with Directions of 3 May and this is granted (to 17 June)

**21 June 2022** Tribunal refuses Applicants request for adjournment of hearing 21 July 2022 Preliminary Hearing

**22 July 2022** Tribunal issues New Directions following Preliminary Hearing requiring service charge and administration charge disclosure from Assethold

**22 August 2022** Tribunal sets down Final Hearing for 23 and 24 January 2023

**2 September 2022** Assethold sends by email links to a jumbled assortment of incomplete service charge papers

**7 September 2022** Assethold requests an alternative date for Final Hearing because it is not available on those dates

**12 September 2022** Tribunal re-lists the Final Hearing for 14 and 15 February

**16 September 2022** Tribunal Directions extending Assethold's time to comply

**10 October 2022** Applicants write to the Tribunal stating that there are considerable amounts of service charge papers missing from Assethold's disclosure under TD of 22.7 and produces list

**13 October 2022** Tribunal writes to Assethold requiring that it confirms by 20.10 that documents requested will be supplied by 27.10 or setting out its objections by 20.10

**21 October 2022** Assethold belatedly writes to the Tribunal by email [timed at 17:01] requesting a time extension of 14 days to "deal with matters and review the correspondence"

**1 November 2022** Tribunal writes to Assethold allowing it until 10 November to "deal fully and appropriately with the request for additional disclosure, as set out in the schedule dated 10 October 2022 and headed "Missing Documentation from Assethold's Disclosure"

**9 November 2022** Assethold writes to the Tribunal by email [timed at 23:00] producing four documents, one of which did not relate to the property

**14 November 2022** Applicants write to the Tribunal stating that Assethold has not complied with order of 1.11, to which Assethold objects the same day

**1 December 2022** Debarring Order made against Assethold and request for Rule 20 submissions from Applicants

**2 December 2022** Assethold emails opposition to debaring attaching Application for Relief against Sanctions dated 1.12

**14 December 2022** Tribunal Order agrees to convene hearing to determine lifting of bar

**10 January 2022** Tribunal informing parties that \*Final hearing\* may have to be vacated for various reasons, including "that a party should not benefit from a situation where full and proper disclosure as directed by the Tribunal, has not taken place". Listing hearing on 1.2 to determine lifting of bar

**1 February 2023** Hearing followed by Tribunal Order (corrected on 6 February) refusing lifting of bar and ordering submissions from Applicants

**2 February 2023** Assethold issues Application to Debar Applicants and for their case to be struck out

**3 February 2023** Applicants file and serve submissions required under hearing of 1.2 including updated Scotts' Schedule including would could be determined at final hearing commencing 14.2.

**3 February 2023** Assethold applies for Permission to Appeal Decision of 1.2

**7 February 2023** Tribunal send Notice of New Hearing Date of 31 March

**14 February 2023** Tribunal Decision refusing Assethold permission to appeal

**7 February 2023** Final Hearing of 14 and 15 February adjourned. Re-listed for 31 March.

**21 February 2023** Tribunal Directions ordering Assethold disclose copies of all documents listed in its Schedule 1-3 by 4pm on 13 March 2023 and to inform Tribunal about any Permission to Appeal to UT and send copy correspondence relating to appeal to it by email (para 6 of Decision).

**28 February 2023** Assethold sends Application for Permission to Appeal to UT by email [timed at 17:01] but without required supporting documentation (Grounds of Appeal, Tribunal Decision refusing Permission, Original Decision to Appeal., etc and without fee). Tribunal not informed and copy correspondence not forwarded to Tribunal in breach of para 6 of TD of 21 February

**8 March 2023** Assethold sends UT various supporting papers by email [timed at 17:00]

**13 March 2023** Assethold sends email [timed at 15:30] stating that, inter alia, no bank account statements will be provided as there was "no individual bank account for this property" and disclosing only two new documents from Schedules 1-3 of Order of 21.2

**15 March 2023** Applicants' solicitor writes to Tribunal to inform it that Assethold has failed to comply with disclosure order of 21.2 and, as a result, Final Hearing cannot go ahead on 31 March. Requests renewal of Rule 20(1)(b) Order.

**17 March 2023** Assethold falsely claims by email to have complied with directions

**22 March 2023** Tribunal Decision refusing Assethold's application to debar Applicants and strike out their case

**28 March 2023** Tribunal Judge Bowers informs parties by letter that Final Hearing of 31 March cannot go ahead; re-lists the hearing as 3rd CMC to discuss renewal of Applicants' Rule 20 (1)(b) Order and Penal Notice.

**30 March 2023** Assethold informs Tribunal and Applicants by email [timed at 10:30] that “this matter is in front of the Upper Tribunal to determine” but provides no documents in contravention of para 6 of TD of 21.2

**30 March 2023** Applicants’ solicitor contacts UT who confirm that matter is not pending before it as Assethold has not paid issue fee. UT supplies documents thus far received from Assethold. Application is to appeal decision of 1 February refusing to lift bar.

**31 March 2023** 3rd CMC at 10am wherein Applicants required to file and serve draft Penal Notice, articulating what is requested together with submissions opposing any right to reply by Assethold due to the debarring order, by 4pm on 6 April. Judge P Korn to provide Decision as to Applicants’ renewed Rule 20(1)(b) Order shortly.

**6 April 2023** Applicants prepare file and serve Submissions required by Tribunal at 3<sup>rd</sup> CMC of 31.3

**21 April 2023** Lands Chamber refuse Assethold permission to appeal decision of 1.2 (amended on 6.2) refusing it relief from being debarred

**21 April 2023** Tribunal writes to parties stating that new directions shall be sent shortly

**3 May 2023** Tribunal refuse Applicants’ request for a Rule 20 (1)(b) order and providing further directions accompanied by Unless Order

**18 May 2023** Assethold’s application for relief from debarring and seeking Permission to Appeal Tribunal’s decision of 3 May (TD1 of Further Directions)

**19 and 25 May 2023** Applicants respond to Assethold’s application by emails to Tribunal

**3 July 2023** Tribunal’s Decision Refusing Assethold Permission to Appeal decision of 3.5

**9 July 2023** Assethold’s application for Permission to Appeal decision of 3 July

**14 July 2023** Tribunal’s letter rejecting Assethold’s latest Application for permission to appeal, with Judge Bowers commenting that the “Respondent is taking a circular and possibly a vexatious approach to this matter regarding the applications for permission to appeal”.

**17 July 2023** Assethold submitting further Application for Permission to Appeal (not received by Applicants)

**18 July 2023** Tribunal Decision Refusing Permission to Appeal dated 17.7.22

**19 July 2023** Assethold replying to the Tribunal by email to state that it has been prejudiced in this matter.

**20 July 2023** Tribunal letter to parties setting down a Final Hearing on 17 August

**27 July 2023** Tribunal letter to parties stating that the Final hearing will be remote

**28 July 2023** Assethold emailing Tribunal and Applicants to state that Permission to Appeal has been sought at the UT

**14 August 2023** Tribunal writes to inform that the Final Hearing set down for 17 August has been vacated because Assethold has made an application for Permission to Appeal direct to UT

**6 September 2023** UT Decision refusing Assethold permission to appeal Tribunal's Decision of 3 July

**7 September 2023** Tribunal writing to parties requesting dates to avoid between 2.10.23-29.2.24

**21 September 2023** Assethold writes to provide unavailable dates in which it is unavailable for the best part of four months

**5 October 2023** Tribunal writes to notify parties of final hearing date of 8 November

**9 October 2023** Assethold writes to confirm that it has engaged Counsel for hearing despite it being debarred

**October 2023** Applicants' application to have the Final hearing by remote conferencing

**30 October 2023** Tribunal's decision permitting the hearing to take place remotely

**8 November 2023** Final Hearing takes place. Assethold required to be informed on the day that it is debarred by way of letter by email

**17 November 2023** Tribunal's Final Decision in respect of service charges, administration charges and uncommitted RTM monies in which it is determined that Assethold must return all service charges/administration charges received

**18 December 2023** Assethold applies for Permission to Appeal Tribunal's Final Decision of 17 November

**19 December 2023** Tribunal refuses Assethold's Application for Permission to Appeal

**2-3 January 2024** Assethold applies to the UT for Permission to Appeal Tribunal Decision of 17 November (not filed or served on Tribunal or Applicants)



**7 February 2024** Tribunal issues Rule 13 Costs Directions which are postponed due to Assethold's UT application (not received)

**4 March 2024** UT refuses Assethold Permission to Appeal and chastises it for delaying to send documentation and information

### **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).

