



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

Case reference : **LON/00AY/LSC/2025/0728**

Property : **43, 43a and 33 Crewdson Road, London
SW9 0LH**

Applicants : **(1) Roger Philip Beaumont
(2) Nitin Eric D'Souza & (3) Amber
Jerome Pinto
(4) Anthony Trevor Robinson**

Representative : **Mr Paul Vertander, solicitor for Mr
Beaumont only
Mr D'Souza & Ms Pinto, in person (by
telephone from abroad)
Mr Robinson, no appearance & not
represented**

Respondent : **The Mayor and Burgesses of the London
Borough of Lambeth**

Representative : **Ms Gete Otite**

Type of application : **R.13 Costs**

Tribunal Members : **Judge Tagliavini
Mr D Jagger MRICS**

Date of decision : **23 October 2025**

DECISION

The tribunal's decision

- (1) The tribunal refuses the respondent's application for costs.
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The application

1. This is an application by the respondent seeking an order for costs against the applicants pursuant to rule 13 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013.

Background

2. At a hearing of the application held on **8 September 2025** made by the applicants pursuant to s.27A of the Landlord and Tenant Act 1985, the applicants applied to withdraw this application. The respondent was provided with an opportunity to object to the application to withdraw. Subsequently the tribunal consented to the applicant withdrawing the application.
3. At the oral hearing, the respondent's representative informed the tribunal that it would not expect the applicants to pay costs. However, the respondent has now made an application for costs in the total sum of **£1,989.53**.

The respondent's submissions

4. In written representations dated **9 September 2025** the respondent asserted that the later withdrawal of the application had incurred the respondent in the costs of complying with the tribunal's directions and preparation for the hearing.
5. The respondent submitted that the applicants should have been aware that the application had been made prematurely, as the cost of works was still subject to ongoing adjustments by the respondent and that in any event, the applicants would not be invoiced until the final account stage. Despite this, the applicants had sought a determination of the reasonableness of these costs and had failed to comply with the tribunal's directions by (i) failing to provide witness statements; (ii) rely on expert evidence without having sought the tribunal's permission (as per the directions) and (iii) failed to provide a detailed schedule of the disputed items with reasons.
6. The respondent accepted that at the hearing its Litigation Officer had openly indicated it did not usually seek costs from leaseholders but asserts this was a reflection of the respondent's usual practice, rather than a renunciation of its right to do so and therefore does not amount to a waiver. Further or alternatively, the respondent asserted the tribunal should exercise its discretion in 'the interests of justice' and award costs to the respondent.

7. Written representations were received from the applicants objecting to the application for costs. The applicants asserted they had (i) sought mediation; (ii) believed they had been given permission to rely on expert evidence having written to the case officer stating they were relying on such evidence; and (iii) had sought assistance from solicitor only in respect of the preparation of the 'Position of Claim' for the final hearing. Further, the applicants asserted they were, in any event entitled to bring a challenge to the estimated costs of s.20 major works and before the actual costs were finalised. However, in this instance they chose to withdraw the application rather than proceed with it.

The tribunal's reasons

8. Rule 13 states:

13.—(1) Subject to paragraph (1ZA), the Tribunal may make an order in respect of costs only—

(a) under section 29(4) of the 2007 Act (wasted costs) and the costs incurred in applying for such costs;

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

9. In reaching its decision the tribunal had regard to the leading authority on r.13 costs of *Willow Court Management Company i(1985) Ltd v Alexander* [2016] UKUT 290 (LC) and its three stage approach. In answering the first question of whether the applicant had acted unreasonably either in the conduct of its application or in seeking to withdraw it at a late stage, the tribunal finds that although the directions were not fully complied with, this did not prejudice the respondent in its preparation for the case or at the hearing at which it was represented and ready to proceed.

10. The tribunal finds the applicants had not fully appreciated that (i) the cost of s.20 was in the process of being adjusted by the respondent and (ii) an application for permission to rely upon expert evidence had not been made in accordance with the tribunal's Directions date 3 April 2025. Further, the tribunal finds the applicants genuinely believed their application for a determination by the tribunal of estimated costs was appropriate, even though the costs of these (in any sum) had not been demanded and that there was likely to be further (possibly downwards) adjustments by the respondent and had agreed to a mediation which was not taken up by the respondent. Therefore, in all the circumstances the tribunal find that neither the making of the application or the applicant's conduct to have been unreasonable.

11. In any event, the tribunal finds the open statement of the respondent's Litigation Officer at the hearing that they would not normally expect to recover costs, led to an expectation that costs would not be sought from the applicants. Further, the tribunal finds this statement had the effect

on the applicants not seeking an order under s.20C of the Landlord and Tenant Act 1985.

12. Consequently, the tribunal finds it is now grossly unfair of the respondent to take advantage of the applicants and determines that in any event it would not be fair, proportionate or in the interests of justice to make any award of costs against the applicants.
13. In conclusion, the tribunal dismisses the respondent's application for costs.

Name: Judge Tagliavini

Date: 23 October 2025

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 should be made on Form RP PTA available at <https://www.gov.uk/government/publications/form-rp-pta-application-for-permission-to-appeal-a-decision-to-the-upper-tribunal-lands-chamber>

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).