



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

**Case reference** : **LON/00BK/HMF/2025/0652**

**Property** : **Flat 4, 40 Buckingham Gate, London  
SW1E 6BS**

**Applicants** : **(1) Ana Filipa Santos Peixoto (aka Filipa  
Peixoto)  
(2) Eduardo Filipe de Almeida Figueira  
(aka Eduardo Figueira)**

**Representative** : **Justice for Tenants**

**Respondents** : **(1) Collaborative Living (previously  
known as Safe Relocations Ltd)  
(2) Iona Mitchell (aka Iona Elizabeth  
Noble)  
(3) Timothy Julian Mitchell**

**Representative** : **I/P**

**Type of application** : **Second and Third respondents'  
application for costs -r.13 of the tribunal  
(first-tier Tribunal) 9property  
chambers Rules 2013**

**Tribunal member** : **Judge Tagliavini  
Mr A Gee RIBA**

**Venue** : **10 Alfred Place, London WC1E 7LR**

**Date of decision** : **7 November 2025**

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**DECISION**

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## **Decisions of the tribunal**

- (1) The tribunal dismisses the respondents' application for costs under r.13 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013.
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## **The application**

1. The respondents seeks legal costs in the sum of £5,442.00 pursuant to an application made under r.13 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013.

## **The background**

2. The respondents made an application for a rent repayment order against (1) Collaborative Living (Previously known as Safe Relocations Ltd) and (2) Timothy Julian Mitchell and (3) Iona Elizabeth Noble (aka Iona Mitchell). By a Consent Order dated 4 August 2025 the applicants withdrew the application against all parties having reached a settlement with the Safe Relocations Ltd only as the first respondent to the RRO application. Subsequently, this application has now been made by the second and third former respondents to the RRO application.

## **The hearing**

3. Neither party requested an oral hearing and therefore the tribunal determined the application using the documents provided in piecemeal fashion by the parties and their written submissions and included a bundle of 206 digital pages from the respondents and a 44 digital page bundle in Reply from the applicants.

## **The decision**

4. Rule 13 states:

*(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;...*

5. In reaching its decision, the tribunal considered the leading authority of ***Willow Court Management Company (1985) Ltd v Mrs Ratna Alexander* [2016] UKUT 290 (LC)**. This sets out the three stage test the tribunal is required to apply:
  - (i) Has the person acted unreasonably? This is an objective standard of conduct. If there is no reasonable explanation for the conduct, the behavior is judged unreasonable and the threshold for a costs order is crossed.
  - (ii) Should an order for costs be made? This stage involves exercising the tribunal's discretion in light of the unreasonable conduct.
  - (iii) What should the terms of the order be? The tribunal determines the amount of costs.
6. The tribunal finds that in their submissions the respondents have effectively sought to relitigate the substantive application, rather than addressing the test the tribunal must apply or referring to the stages set out in *Willow*.
7. The tribunal finds that it was reasonable for the applicants to make the application against all three respondents at the initial stage, in view of the uncertainty of the identity of the 'true' landlord and in view of the relatively short limitation provided in which to make a claim for a RRO.
8. The second and third respondents asserted that they were not the applicants' immediate landlord and relied on *Rakusen v Jepsen and others* [2023] UKSC. This assertion was eventually substantiated by documentary evidence and the claim against them was withdrawn, a settlement having been reached with the first respondent. However, the tribunal does not consider it was either vexatious or frivolous for the applicants to have continued with their claim until certain of the second and third respondents true status.
9. The tribunal also finds it was reasonable for the applicants to continue with the application against the second and third respondents until supporting evidence of their assertion that they were not the landlords was produced.
10. The tribunal finds there is a reasonable explanation for the applicants conduct in making the application and pursuing it against the second and third respondents until the latter's position was clarified. Therefore, the tribunal finds the first stage in *Willow* has been satisfied and that there is no requirement to consider the second and third stages.
11. In conclusion, the tribunal dismisses the application.

**Name:**

**Judge Tagliavini**

**Date: 7 November 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).