FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference	:	**LON/OOAA/LSC/2025/0631**
Property	:	**Apartment 49, Sir John Lyle House, 8 High Timber Street, London EC4V 3PA**
Applicant	:	**Mr Neil Morgan**
Respondent	:	**Riverview Holdings Ltd ("First Respondent"), Skywoode Estates Ltd ("Second Respondent"), Alphaxa Ltd ("Third Respondent") and Sir John Lyon House Management Ltd ("Fourth Respondent")**
Representative	:	**Mr Nick Porter of Buckles Law for First, Second and Third Respondents. Ms Sophie Siggs, Chair of the Management Company, for the Fourth Respondent**
Type of Application	:	**Application by First, Second and Third Respondents for Unreasonable Costs Order (Rule 13(1)(b) Tribunal Procedure Rules 2013**
Tribunal Member(s)	:	**Judge Tildesley OBE**
Date and venue of the Hearing	:	**Decision on the papers**
Date of Decision	:	**2 March 2026**

DECISION

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Senior President of Tribunals Practice Direction: Reasons for Decisions 4 June 2024

1. This Practice Direction states basic and important principles on the giving of written reasons for decisions in the First-tier Tribunal. It is of general application throughout the First-tier Tribunal. It relates to the whole range of substantive and procedural decision-making in the Tribunal, by both judges and non-legal members. Accordingly, it must always be read and applied having regard to the particular nature of the decision in question and the particular circumstances in which that decision is made (paragraph 1).

2. Where reasons are given, they must always be adequate, clear, appropriately concise, and focused upon the principal controversial issues on which the outcome of the case has turned. To be adequate, the reasons for a judicial decision must explain to the parties why they have won and lost. The reasons must enable the reader to understand why the matter was decided as it was and what conclusions were reached on the main issues in dispute. They must always enable an appellate body to understand why the decision was reached, so that it is able to assess whether the decision involved the making of an error on a point of law. These fundamental principles apply to the tribunals as well as to the courts (paragraph 5).

3. Providing adequate reasons does not usually require the First-tier Tribunal to identify all of the evidence relied upon in reaching its findings of fact, to elaborate at length its conclusions on any issue of law, or to express every step of its reasoning. The reasons provided for any decision should be proportionate, not only to the resources of the Tribunal, but to the significance and complexity of the issues that have to be decided. Reasons need refer only to the main issues and evidence in dispute, and explain how those issues essential to the Tribunal's conclusion have been resolved (paragraph 6).

4. Stating reasons at any greater length than is necessary in the particular case is not in the interests of justice. To do so is an inefficient use of judicial time, does not assist either the parties or an appellate court or tribunal, and is therefore inconsistent with the overriding objective. Providing concise reasons is to be encouraged. Adequate reasons for a substantive decision may often be short. In some cases a few succinct paragraphs will suffice. For a procedural decision the reasons required will usually be shorter (Paragraph 7).

Summary of the Decision

5. **The Applicant has acted unreasonably in the conduct of these proceedings. In view of this finding the Tribunal has exercised its discretion to make an Order for Costs. The Tribunal Orders the Applicant to pay the sum of £2,000 plus VAT making a total of £2,400 to the First, Second and**

Third Respondents by 13 April 2026 pursuant to Rule 13(1)(b) of the Tribunal Procedure Rules 2013.

Application

6. On the 15 January 2025 the Applicant applied for determination of the actual service charges for (i) 1 December 2021 to 30 November 2022; (ii) 1 December 2022 to 30 November 2023; and (iii) 1 December 2023 to 30 November 2024 and on account service charges for the year 1 December 2024 to 30 November 2025 pursuant to section 27A of the Landlord and Tenant Act 1985 (1985 Act).

7. On 24 November 2025 the Tribunal decided that the section 27A Application should be struck out on the grounds of no jurisdiction; failure to comply with an unless direction; failure to co-operate; the proceedings arise out of similar facts, and an abuse of the process of the Tribunal in accordance with rules 9(2)(a); 9(3) (a) (b) (c) and (d) of the Tribunal Procedure Rules 2013.

8. The Tribunal took this decision because the Applicant has persistently failed to co-operate with the Tribunal and help the Tribunal to further the overriding objective. The Applicant has demonstrated no intention to progress the proceedings and continues to assert that the proceedings should be stayed to enable discussions to take place with Respondents. The Tribunal is satisfied that the current application is in effect a rehash of the previous service charge application which was determined by the Tribunal on 29 July 2024. The Tribunal concludes that the Applicant is using the current proceedings as leverage in his discussions with the Respondents. The Applicant has not complied with an unless direction. The Tribunal considers that the continuation of the proceedings does not further the overriding objective.

9. The Tribunal's detailed reasons for its decision on 24 November 2025 are incorporated as part of this decision and are attached as Appendix One.

10. On 28 November 2025 Mr Porter on behalf of the First, Second and Third Respondents applied for an Order for Unreasonable Costs against the Applicant.

11. This is the second Application by Mr Porter for unreasonable costs. On the 7 October 2025 the Tribunal decided that

> "Given the above facts the Tribunal decides it is not appropriate at this stage to make an order for costs against the Applicant. The Tribunal considers that its finding that the Applicant has acted unreasonably in the conduct of these proceedings is

> sufficient, and that if there are recurrences of unreasonable conduct in the future which necessitates an application for unreasonable costs, the Tribunal can take into account this specific finding of unreasonable conduct".

12. The decision of 7 October 2025 is attached as an Appendix to the Decision to Strike Out on 24 November 2025 which forms part of this decision.

13. On 14 December 2025 the Tribunal directed in respect of the second application for unreasonable costs that:

i. The application (for costs) will be dealt with on the papers
ii. By 4pm on 31 January 2026 Mr Morgan will send a response in writing by email to the First, Second and Third Respondents and the Tribunal.
iii. By 4pm on 14 February 2026 the First, Second and Third Respondents will have a right of reply which is to be sent to Mr Morgan and the Tribunal.
iv. The Tribunal will give its decision in writing by no later than the 28 February 2026.

14. The Tribunal also granted the Applicant an extension of time to 4pm on 31 January 2026 to apply for permission to Appeal against the Tribunal's decision to strike out dated 24 November 2025.

15. The Applicant did not comply with the directions to provide a response by 31 January 2026, and did not apply for permission to Appeal the Tribunal's decision of 24 November 2025 by the extended date.

16. On 3 February 2025 the Applicant emailed the Tribunal stating that

> "I apologise for not being (*able)*[1]to deal with this sooner but I have been unwell following a lifting accident about 3-weeks ago and I am having an operation under general this Friday. I will need about a week to recover apparently, so please could the time be extended on this matter to 23 February?"

17. The Tribunal requested the Applicant to make an application on form Order 1 but he failed to do so[2].

[1] Inserted by the Tribunal to give the email grammatical sense

[2] Throughout the proceedings the Tribunal has informed the Applicant that he must complete form Order 1if he wishes to make a case management application. The Tribunal has explained the reasons why it is necessary, and that it has been incorporated as a direction. On most occasions the Applicant has refused to co-operate with the Tribunal with the completion of order form 1

18. On 12 February 2025 the Tribunal emailed a letter to Mr Morgan stating amongst other things the following:

> "Your email of 3 February 2026 requesting an extension of time was received after 31 January 2026. As you did not make an application for permission to appeal by the due date, the decision of 24 November 2025 comes into effect which means that your service charge application is struck out, and as far as this Tribunal is concerned the case is now closed.
>
> If you still wish to pursue the application for permission to appeal out of time you shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 day time limit and attach evidence supporting the request; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed. Alternatively, you may wish to take legal advice.
>
> In respect of the application for unreasonable costs made by the solicitor for the First, Second and Third Respondents received on 2 December 2025, Judge Tildesley directed on 14 December 2025 the following: (not repeated here)
>
> In view of your failure to comply with direction 2, and to make an application for an extension of time on Form 1 prior to 31 January 2026, Judge Tildesley intends to determine the Application on the papers and give his decision by the 28 February 2026".

19. On 20 February 2026 at 1853 (Friday) the Applicant emailed his response to the application for unreasonable costs. On 23 February 2026 the Tribunal asked Mr Porter for the First to the Third Respondents for a response by close of play on the 24 February 2025. A copy of the Tribunal's email was also sent Mr Fletcher who was named as the representative of the Fourth Respondent.

20. Ms Sophie Siggs, Chair of the Management Comapy, responded on behalf of the Fourth Respondent stating that Mr Fletcher had resigned and that she should be named as the contact email address for the Fourth Respondent. Ms Siggs pointed out that the Fourth Respondent was not a party to the costs order and therefore would not have any comments to make. The Tribunal confirmed that the Tribunal was seeking comments solely in relation to the costs order.

21. Mr Porter on behalf of the First, Second and Third Respondents pointed out that

> "In its letter dated 13 February 2026, the Tribunal confirmed to the Applicant that he had until 31 January 2026 to file a written response to R1-R3s application for costs and had failed to do so and had made no application for an extension of time. The Tribunal confirmed it would

provide a decision on the papers by 28 February 2026. The Applicant's email of 20 February 2026 appears now to be an attempt to provide submissions after the event, with no application for an extension. Although the Applicant says he has suffered a "lifting accident" in January, no medical evidence has been provided and it is entirely unclear why this accident means that the Applicant was unable to comply with the Tribunal directions or make an application to extend those prior to 31 January".

22. The Tribunal notes Mr Porter's representations but has decided to admit the Applicant's email of 20 February 2026 into evidence.

23. The Tribunal informed the parties that Judge Tildesley would endeavour to get the decision to them by 6 March 2026.

Grounds of the Application

24. The First, Second and Third Respondents are seeking an unreasonable costs order in the sum of £15,277.60 including VAT (£13,529 plus £1,748.60 VAT) against the Applicant.

25. Mr Porter put forward the following grounds for the Application:

i. On 7 October 2025 the Tribunal found that the Applicant had acted unreasonably in the conduct of the proceedings.

ii. On 20 November 2025, the Tribunal went further and found that the Applicant had conducted the proceedings in a way that amounted to an abuse of process.

iii. The Applicant has consistently failed to co-operate with the Tribunal to advance the proceedings, which has ultimately led to the proceedings having been struck out as a result of non-compliance with an unless order.

iv. Whilst the Tribunal was not initially prepared to remove the First to Third Respondents as a party, it subsequently held that the sole purpose of the Applicant bringing the proceedings was to enable him to enter into negotiations with the Fourth Respondent. The First to Third Respondents have incurred costs in responding to the proceedings which the Tribunal has found were an abuse of process and only issued so that negotiations could take place with the Fourth Respondent.

26. The Applicant's response:

i. Firstly, by far the overwhelming matter in these proceedings to date was the application by Respondents 1-3 to remove themselves as respondents, but which application failed when it was refused in the decision of 7 October 2025.

ii. Secondly, directions were then given on 7 October 2025 but which directions were impossible to comply with as the information sought and the documents required in those directions either were currently unavailable, or did not exist. Both the Applicant and the 4th Respondent repeatedly explained this situation to the Tribunal and had further explained that more time was needed by which to try and obtain the required information and required documents.

iii. Thirdly, the Tribunal most regrettably entirely disregarded this information from both the Applicant and the 4th Respondent and then on 24 November took the draconian and disproportionate step of striking out the application entirely.

iv. Fourthly, in the process the Tribunal made a bizarre finding that the purpose of the application was for 'negotiations' to take place between the Applicant and the 4th Respondent and that this was somehow impermissible. Firstly, this finding was entirely and absolutely wrong, the application was made in order to determine the reasonableness of service charges which charges which were unreasonable in amount (grossly) and which could not be substantiated. Secondly, the Applicant had to make an application to protect his position in respect of time limits. Thirdly, virtually all forms of civil proceedings result in some form of 'negotiations' in order to try and find a settlement of the issues and the courts and tribunals actively encourage all forms of negotiation, discussion, ADR, and mediation and this is completely standard, so why this should somehow be de deemed impermissible in the context of this application is simply not understood and as stated this was emphatically ***not*** the purpose of the application but was simply an entirely normal and natural by-product of the application.

v. Fifthly, Respondents 1-3 did nothing and incurred no costs in the period 7 October to 24 November in any event.

vi. Sixthly, by email dated 3 December 2025 the Applicant provided documentary proof as to why the 7.10.25 directions could not be complied with following the receipt of a Directors' Report and Auditors' Report, copies of both of which were provided attached to the 3.12.25 email, a further copy of which is attached herewith.

vii. Seventhly, each party is required to bear its own costs in the FTT except where there is significantly unreasonable conduct has taken place when *objectively* assessed. The Applicant (and the 4th Respondent) had both repeatedly explained to the Tribunal that the directions could not currently be complied with (to be shortly later backed-up with tangible documentary proof of the same) and applied for an adjournment, but the Tribunal's reaction was to strike out the application entirely; which as stated was a wholly draconian and disproportionate and unjust step.

viii. For any or all of the above facts and reasons Respondents 1-3's application for costs should be refused.

27. Mr Porter's reply:

> " R1 to R3s application for costs comes out of the fact that these proceedings have been struck out for persistent failure by the Applicant to comply with the Tribunal's directions. R1 to R3 were initially unsuccessful in their application to be removed, and the Tribunal held (para 60 of the decision of 7 October 2025) that "it is not appropriate at this stage to make an order for costs against the Applicant" (our emphasis added). The Tribunal however made findings of fact of that the Applicant's conduct had been unreasonable and held that "if there are recurrences of unreasonable conduct in the future which necessitates an application for unreasonable costs, the Tribunal can take into account this specific finding of unreasonable conduct". It is R1 to R3s position that the Applicant's continued failure to comply with directions – which has led to a strike out – is further unreasonable conduct, and the Tribunal should exercise its discretion afresh on the issue of costs. R1 to R3 have no knowledge of the communications between the Applicant and R4, but if either party considered that the directions required amendment in either substance or timing, an application should have been made. The terms of the directions were very clear. It appears that the Applicant has simply chosen to ignore them. It is not accepted that the Applicant (and/or R4) have ever explained to the Tribunal why the directions could not be complied with – certainly R1 to R3 have not been copied into any such correspondence".

Consideration

28. The Tribunal's power to order costs is subject to the restrictions imposed by the Tribunal Procedure Rules 2013. Those restrictions prohibit the making of an order for costs except in the circumstances described in rule 13(1) which are in the case of the Residential Property Tribunal limited to either a wasted costs order (rule 13(1)(a)) or an unreasonable costs order (rule 13(1)(b).

29. In this case the First, Second and Third Respondents are seeking an unreasonable costs order in the sum of £15,277.60 (VAT inclusive) against the Applicant.

30. An order for unreasonable costs under rule 13(1)(b) is concerned only with the conduct of the parties and only with conduct that is unreasonable.

31. The Upper Tribunal in *Willow Court Management Co (1985) Limited v Alexander* [2016] UK UT 290 (LC) advocated the use of systematic or sequential approach to the question of unreasonable costs:

> "At the first stage the question is whether a person has acted unreasonably. A decision that the conduct of a party has been unreasonable does not involve an exercise of discretion but rather the application of an objective standard of conduct to the facts of the case. If there is no reasonable explanation for the conduct complained of, the behaviour will properly be adjudged to be unreasonable, and the threshold for the making of an order will have been crossed. A discretionary power is then engaged and the decision maker moves to a second stage of the inquiry. At that second stage it is essential for the tribunal to consider whether, in the light of the unreasonable conduct it has found to have been demonstrated, it ought to make an order for costs or not; it is only if it decides that it should make an order that a third stage is reached when the question is what the terms of that order should be".

32. The critical question for the Tribunal when considering an application for unreasonable costs is whether the threshold criterion of unreasonableness has been met.

33. In *Willow Court Management* the Upper Tribunal emphasised that an assessment of the threshold criterion of unreasonable conduct involved an application of an objective standard of conduct to the facts of the case. Lord Justice Coulson in *Lea v Ilfracombe Management* [2024] EWCA Civ 1241 re-iterated the fact-specific nature of the test for unreasonable conduct and that it was not appropriate to give more general guidance as to what does or does not constitute unreasonable behaviour. Lord Justice Coulson suggested that a good practical rule is for the Tribunal to ask: "would a reasonable person acting reasonably have acted in this way? Is there a reasonable explanation for the conduct in issue".

34. The First, Second and Third Respondents case' for unreasonable behaviour was that the Applicant had failed to comply with an Unless Direction issued on 7 October 2025 which they said the Applicant ignored. Further they relied on the Tribunal's previous finding of unreasonable conduct which put the Applicant on notice. Finally

they say the Applicant's failure to comply with the Unless direction represented a continuation of his refusal to co-operate with the Tribunal and to advance his case contrary to the overriding objective.

35. The Applicant stated that his reason for not complying with the Unless direction was that it was impossible for him to comply with and that the Tribunal disregarded the Applicant and the Fourth Respondent's repeated explanations that more time was needed to obtain the required information. The Applicant said that on 3 December 2025 he provided documentary proof as to why the 7 October 2025 directions could not be met. Finally the Applicant said that the Tribunal made a bizarre finding that the purpose of the Application was for negotiations to take place which he said was entirely and absolutely wrong because (1) the application was made to determine reasonableness of service charges which were unreasonable in amount (gross) and could not be substantiated; (2) he had to make an application to protect his position in respect of time limits, and (3) all forms of negotiations result in some form of negotiations.

36. The Applicant's explanation for his conduct of the proceedings and his failure to comply with an Unless direction is essentially a challenge to the Tribunal's findings in its decision of 24 November 2025. The Applicant has not applied for permission to appeal the decision despite the Tribunal granting him an extension of time until 31 January 2026.

37. The Tribunal in its decision of 24 November 2024 at paragraphs 27 and 34 gave detailed reasons for its rejection of the Applicant's submissions regarding the complexity of the proceedings and not being given sufficient information to make out his case. Contrary to the Applicant's assertion, the Fourth Respondent did not make an application to adjourn the proceedings in their response to the 7 October 2025 directions which included the Unless direction. The Fourth Respondent's response is set out in paragraph 25 of 24 November 2025 decision. The Tribunal set out its findings in respect of the Fourth Respondent at paragraphs 35 and 38 of that decision and concluded that the Fourth Respondent has adopted an ambivalent approach to these proceedings and has not assisted the Tribunal to further these proceedings.

38. The Applicant's suggestion of the bizarre nature of the Tribunal's finding of the purpose of the proceedings as to enable him to enter into negotiations with the Fourth Respondent should be read in the context of the Tribunal's overall justification for its decision to strike out in paragraph 1 of the decision of 24 November 2025:

> "This decision is concerned with the Tribunal's directions issued on 7 October 2025 requiring the Applicant to progress his application to

> determine service charges for years ended 30 November 2022, 2023, 2004 and 2025. The Tribunal finds that the Applicant has persistently failed to co-operate with the Tribunal and help the Tribunal to further the overriding objective. The Applicant has demonstrated no intention to progress the proceedings and continues to assert that the proceedings should be stayed to enable discussions to take place with Respondents. The Tribunal is satisfied that the current application is in effect a rehash of the previous service charge application which was determined by the Tribunal on 29 July 2024. The Tribunal concludes that the Applicant is using the current proceedings as leverage in his discussions with the Respondents. The Applicant has not complied with an unless direction. The Tribunal considers that the continuation of the proceedings does not further the overriding objective".

39. The Tribunal's finding about the sole purpose of the proceedings formed a small part of the Tribunal's reasoning for striking out the case. The finding was made in the context of whether the strike out fulfilled the requirements of the overall objective (see paragraph 37 to 40 of the decision of 24 November 2025). Essentially the Tribunal determined that the Applicant and the Fourth Respondent would not be unduly prejudiced by the strike out because they were at liberty to carry on their negotiations with a view to reaching a settlement.

40. The Tribunal deals with the three specific points that the Applicant raised under the heading of the "bizarre finding".

41. The Tribunal found that the Applicant's 27A service charge application was a rehash of the previous service charge application determined by the Tribunal on 29 July 2024 which was why the Tribunal directed further and better particulars accompanied by an Unless direction.

42. The Applicant's assertion that he had to submit the section 27A application to preserve his position in respect of time limits was the first time that this has been raised by the Applicant in these proceedings. The Tribunal observes that the disputed service charges were relatively current and the question of limitation would not be engaged. The Tribunal adds in any event the Upper Tribunal on two separate occasions have decided that the Limitation Act 1980 does not apply to a Tenant's section 27A application[3].

43. Finally the Applicant has had almost a year to undertake negotiations with the Fourth Respondent. This Tribunal granted a period of eight weeks for the negotiations to take place and during that period the Applicant had only met once with the Fourth Respondent. In this regard the Tribunal found that the Applicant had no intention to progress the proceedings which was also supported

[3] *Parisis v Blair Court (St John's Wood) Management Limited* [2014] UK UT 503 (LC); *Cain v Islington LBC* [2015] UKUT 542 LC

by the fact that he had not progressed two other sets of proceedings before the Tribunal to final resolution. The Tribunal concluded that the Applicant was using the current proceedings as leverage in his discussions with the Respondents.

44. The First, Second and Third Respondents contended that the Applicant's conduct of the proceedings following the 7 October 2024 was a continuation of the unreasonable conduct determined by the Tribunal in the first application for unreasonable costs.

45. The Tribunal on the first application found that the Applicant had acted unreasonably in his conduct of the proceedings before the Tribunal. Although the Tribunal decided in its discretion not to award costs, it put the Applicant on notice that if there were recurrences of unreasonable conduct in the future which necessitated an application for unreasonable costs, the Tribunal could take into account the specific finding of unreasonable conduct in the first costs decision.

46. The Tribunal's findings on the Applicant's unreasonable conduct are found at the paragraphs 12-20 of the first decision attached as an Appendix to the Decision to Strike Out. Essentially the Tribunal decided that his conduct was unreasonable because of his lack of co-operation with the Tribunal and his refusal to acknowledge the Tribunal's statutory authority to manage cases. In the process the Applicant made unsubstantiated allegations about the Tribunal's bona fides, was rude in his correspondence to Tribunal staff and failed to comply with directions. The Tribunal was satisfied that the Applicant had no reasonable explanation for his conduct.

47. Although the Applicant said that he disagreed with the Tribunal's decision on unreasonable conduct in the first costs decision and expressed his intention to seek permission to appeal, he did not seek permission to appeal. In those circumstances the Tribunal is entitled to rely on its earlier findings of unreasonable conduct in the first costs decision.

48. Turning back to the current costs application the Tribunal is satisfied its findings in the decision to strike out of the 24 November 2025 that the Applicant had persistently failed to co-operate with the Tribunal and help the Tribunal to further the overriding objective including non-compliance with an unless direction meet the objective standard of unreasonable conduct.

49. The Tribunal examined the Applicant's reasons for his conduct in paragraphs 35 -43 above. The Tribunal demonstrated that it had considered "his reasons" when arriving at the decision to strike out. In the Tribunal's view, the reasons amounted to a disagreement with the Tribunal's findings. The Applicant has not applied for permission to Appeal the decision. **The Tribunal decides that he has no reasonable explanation for his unreasonable conduct**.

50. The Tribunal is also satisfied that the Applicant has continued to act unreasonably in the same manner as was identified in the first

decision on unreasonable costs including challenging the bona fides of the Tribunal.

51. **The Tribunal decides that the Applicant has acted unreasonably in the conduct of these proceedings.**

52. The next question for the Tribunal is whether an order for unreasonable costs should be made against the Applicant.

53. The Upper Tribunal in *Willow Court Management Co (1985) Limited v Alexander* [2016] UK UT 290 (LC) at paragraphs 29 & 30 gave the following advice on whether an order for costs should be made:

> "29. Once the power to make an order for costs is engaged there is no equivalent of CPR 44.2(2)(a) laying down a general rule that the unsuccessful party will be ordered to pay the costs of the successful party. The only general rules are found in section 29(2)-(3) of the 2007 Act, namely that "the relevant tribunal shall have full power to determine by whom and to what extent the costs are to be paid", subject to the tribunal's procedural rules. Pre-eminent amongst those rules, of course, is the overriding objective in rule 3, which is to enable the tribunal to deal with cases fairly and justly. This includes dealing with the case "in ways which are proportionate to the importance of the case, the complexity of the issues, the anticipated costs and the resources of the parties and of the Tribunal." It therefore does not follow that an order for the payment of the whole of the other party's costs assessed on the standard basis will be appropriate in every case of unreasonable conduct.
>
> 30. At both the second and the third of those stages the tribunal is exercising a judicial discretion in which it is required to have regard to all relevant circumstances. The nature, seriousness and effect of the unreasonable conduct will be an important part of the material to be taken into account, but other circumstances will clearly also be relevant".

54. At the first hearing the Tribunal determined that the unreasonableness of the Applicant's conduct was serious and had adversely affected the progress of these proceedings. The Tribunal, however, was conscious that the first application was concerned with costs wholly incurred by the First, Second and Third Respondents in relation to their unsuccessful application to remove them as Respondents. The Tribunal found an order for costs would in effect require the successful party to pay the costs of the unsuccessful party. The Tribunal acknowledged that there was no requirement under rule 13(1)(b) for a causal link between the costs claimed and the unreasonable behaviour but the fact that the costs related wholly to the First, Second and Third Respondents unsuccessful application was significant when considering an order for costs.

55. Given the above facts the Tribunal decided it was not appropriate at this stage to make an order for costs against the Applicant. The Tribunal considered that its finding that the Applicant had acted unreasonably in the conduct of these proceedings was sufficient, and that if there were recurrences of unreasonable conduct in the future which necessitated an application for unreasonable costs, the Tribunal could take into account the specific findings of unreasonable conduct in the first decision.

56. Mr Porter contended for the First to the Third Respondents that the Tribunal should exercise its discretion on costs afresh in view of the Applicant's repeated failure to comply with directions and the Tribunal's finding that the proceedings were an abuse of process

57. The Applicant considered that the overwhelming majority of costs claimed were incurred on the First to Third Respondents' unsuccessful application to remove them as Respondents. The Applicant asserted that the solicitor for the First to the Third Respondents had done nothing and incurred no costs in the period 7 October 2025 to 24 November 2025.

58. The Tribunal considers its finding that the Applicant continued to conduct the proceedings unreasonably despite the warning given in the first costs decision warrants **a re-opening of its discretion to make a costs order.** The Tribunal also takes into account the fact that the First, Second and Third Respondents complied with the directions on the 7 October 2025 and that costs had been incurred. Further the Applicant did not keep the solicitor for the First, Second and Third respondents informed of any progress made in his discussions with the Fourth Respondent.

59. Although the Tribunal has decided to exercise its discretion to make an order for costs, the Tribunal considers its reasoning not to award the costs incurred by the First, Second and Third Respondents up to the date of the first decision on costs remains valid. The Tribunal, therefore, will consider an order for the costs in respect of the amount incurred from the 7 October 2025.

60. The solicitor for the First, Second and Third Respondents supplied a Statement of Costs (Summary Assessment) on Form N260 which showed a total of £13,529 excluding VAT for the costs incurred on these proceedings from their commencement. The equivalent Statement of Costs for the first costs proceedings showed a total of £11,149 excluding VAT for the costs incurred. The difference in the net costs incurred between the two schedules is £2,380 which represents the work done by Mr Porter as a Grade A solicitor in dealing with matters since 7 October 2025 including the costs application.

61. **The Tribunal having regard to the information provided in Form N260 summarily assesses the costs at £2,000 plus VAT**. The Tribunal has not assessed the costs on an indemnity basis.

Decision

62. **The Tribunal Orders the Applicant to pay the sum of £2,000 plus VAT making a total of £2,400 to the First, Second and Third Respondents by 13 April 2026 pursuant to Rule 13(1)(b) of the Tribunal Procedure Rules 2013.**

RIGHTS OF APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case.

2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.

3. If the person wishing to appeal does not comply with the 28 day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.

4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.

FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference	**:**	**LON/OOAA/LSC/2025/0631**
Property	**:**	**Apartment 49, Sir John Lyle House, 8 High Timber Street, London EC4V 3PA**
Applicant	**:**	**Mr Neil Morgan**
Respondent	**:**	**Riverview Holdings Ltd ("First Respondent"), Skywoode Estates Ltd ("Second Respondent"), Alphaxa Ltd ("Third Respondent") and Sir John Lyon House Management Ltd ("Fourth Respondent")**
Representative	**:**	**Mr Nick Porter of Buckles Law for First, Second and Third Respondents. Mr Jamie Fletcher of Olympus Management for the Fourth Respondent.**
Type of Application	**:**	**Application for Determination of Payability and Reasonableness of Service Charges (Section 27A of the Landlord and Tenant Act 1985)**
Tribunal	**:**	**Judge Tildesley OBE**
Date of Case Management hearing	**:**	**24 July 2025**
Date of Decision	**:**	**24 November 2025**

Decision to Strike Out
the Application under section 27A of the 1985 Act made on 15 January 2025
Rules 9(2)(a); 9(3) (a) (b) (c) and (d) of the Tribunal Procedure Rules 2013.

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Summary of the decision

1. This decision is concerned with the Tribunal's directions issued on 7 October 2025 requiring the Applicant to progress his application to determine service charges for years ended 30 November 2022, 2023, 2004 and 2025. The Tribunal finds that the Applicant has persistently failed to co-operate with the Tribunal and help the Tribunal to further the overriding objective. The Applicant has demonstrated no intention to progress the proceedings and continues to assert that the proceedings should be stayed to enable discussions to take place with Respondents. The Tribunal is satisfied that the current application is in effect a rehash of the previous service charge application which was determined by the Tribunal on 29 July 2024. The Tribunal concludes that the Applicant is using the current proceedings as leverage in his discussions with the Respondents. The Applicant has not complied with an unless direction. The Tribunal considers that the continuation of the proceedings does not further the overriding objective.

2. **The Tribunal decides that the section 27A Application should be struck out on the grounds of no jurisdiction; failure to comply with an unless direction; failure to co-operate; the proceedings arise out of similar facts, and an abuse of the process of the Tribunal in accordance with rules 9(2)(a); 9(3) (a) (b) (c) and (d) of the Tribunal Procedure Rules 2013.**

3. The Tribunal's decision does not prevent the Applicant from entering into negotiations with the Fourth Respondent with a view to reaching a settlement. The Fourth Respondent has indicated that it is willing to enter into negotiations with the Applicant. If no settlement is reached the Applicant is at liberty to submit a new application under section 27A of the 1985 Act provided it does not cover matters previously determined by the Tribunal, clearly identifies the nature of the dispute, and the dispute is one over which the Tribunal has jurisdiction. .

Background

See Appendix One for a Detailed Account of the Background

4. On the 15 January 2025 the Applicant applied for determination of the actual service charges for (i) 1 December 2021 to 30 November 2022; (ii) 1 December 2022 to 30 November 2023; and (iii) 1 December 2023 to 30 November 2024 and on account service charges for the year 1 December 2024 to 30 November 2025 pursuant to section 27A of the Landlord and Tenant Act 1985 (1985 Act).

5. The Tribunal was unable to accept the Application under section 27A of the 1985 Act because the Applicant refused to pay the outstanding balance of £10 on the Application fee despite letters from the Tribunal dated 27 January 2025 and 21 May 2025, and despite having been given 14 days' notice that the fee has not been paid. On 11 June 2025

the Tribunal ordered that the case was deemed withdrawn in accordance with Rules 11(1) and (2) of the Tribunal Procedure Rules 2013.

6. On 7 July 2025 the Tribunal decided to reinstate the Application following payment of the outstanding balance of £10 by a third party. The Tribunal directed that a case management hearing be held on 24 July 2025 at 10am at 10 Alfred Place, London, WC1E 7LR.

7. The Applicant made various applications to adjourn the case management hearing on 24 July 2025 but refused to comply with the Tribunal's directions for making applications. The Tribunal took the view that no application for adjournment had been made.

8. On 23 July 2025 the Applicant informed the Tribunal that he would attend the case management hearing on 24 July 2025 by video link. The Tribunal was made aware of the Applicant's request to attend remotely on the morning of the hearing. The Tribunal emailed the Applicant with details of the video link and delayed the start of the hearing until 11.00am. The Applicant did not attend the hearing.

9. On 24 July 2025 the Tribunal split the case management hearing in two parts. The first part related to a Case Management Application to remove the First, Second and Third Respondents from the Section 27A application and an Application for unreasonable costs by First, Second and Third Respondents. As the Applicant was not present the Tribunal directed that the Applications would be dealt with on the papers and that the parties would be required to submit written representations.

10. The second part concerned an Application by the Fourth Respondent to adjourn the section 27A proceedings for a fixed date to enable the Fourth Respondent to have discussions with the Applicant. The Tribunal granted the application and adjourned the case management hearing until 23 September 2025. This gave the Applicant a period of eight weeks for discussions to take place with the Fourth Respondent.

11. On 15 September 2025 the Applicant requested an adjournment of the case management hearing on 23 September 2025 for a period of at least eight weeks. The purpose of the adjournment was to enable discussions to continue with the Fourth Respondent with a view to reaching a settlement. The Tribunal cancelled the case management hearing because it would serve no useful purpose.

12. On 7 October 2025 the Tribunal instead decided to issue fresh directions to progress the hearing. The Tribunal also published a separate decision dated 7 October 2025 in respect of the Applications by First, Second and Third Respondents to be removed as Respondents and for unreasonable costs. The Tribunal refused the Application by the First, Second and Third Respondents to be removed as Respondents. The Tribunal found that the Applicant had acted

unreasonably in the conduct of proceedings but decided it was not appropriate to make an order for costs against him.

13. The Tribunal found the following facts in support of the directions issued 7 October 2025.

- The Applicant had demonstrated no appetite to progress the service charge Application through the Tribunal. The Applicant's refusal to pay the outstanding £10 in Tribunal fees delayed the onset of the proceedings for almost seven months. Following the reinstatement of the substantive service charge application, the Applicant's principal submission has been for the proceedings to be stayed generally with liberty to restore.

- The Applicant has two other sets of proceedings before the Tribunal concerning the service charges for the property which the Applicant has not progressed to final resolution. The fact of two other sets of unresolved proceedings together with the current proceedings raises questions about whether the Applicant is using the Tribunal proceedings as leverage in his negotiations with the Respondents rather than actively seeking resolution of the dispute by the Tribunal.

- The Applicant has persistently failed to co-operate with the Tribunal and help the Tribunal to further the overriding objective.

- The current service charge application before the Tribunal includes a year when he was not a leaseholder and matters that have already been determined by previous Tribunals, and effectively is restricted to the dispute about building insurance.

- The Applicant has consistently argued that he wishes to hold discussions with the new managing agent and the Fourth Respondent' s directors with a view to settling his dispute. The managing agent has indicated his willingness to enter into discussions with the Applicant and that it may take time. The Tribunal observes that a Tribunal application is not necessary for these discussions to take place.

14. The Tribunal on 7 October 2025, therefore, did not consider an adjournment of the proceedings consistent with the overriding objective. The Tribunal held serious reservations about the current section 27A application which are between the same parties and arise out of facts which are similar or substantially the same as those contained in a proceedings or case which has been decided by the Tribunal. The Tribunal took into account the Applicant's failure to co-

operate with the Tribunal his lack of appetite to progress the proceedings. The Tribunal decided to refuse the adjournment and issue the directions set out in paragraphs 15-18 below.

15. The Tribunal gave notice to strike out the following parts of the section 27A Application: (1) service charge year 1 December 2021 to 30 November 2022, (2) apportionment of service charges, (3) the cost of replacing the extraction fans, (4) the sum sought in respect of the reserves for the year 1 December 2022 to 30 November 2023 and (5) the sum of £3,684 for the budgeted cost of insurance for the year 1 December 2022 to 30 November 2023 on grounds of no jurisdiction failure to co-operate, the proceedings arise out of similar facts, and an abuse of the process of the Tribunal in accordance with rules 9(2)(a); 9(3)(b) (c) and (d) of the Tribunal Procedure Rules 2013.

16. The Tribunal indicated that it intended to restrict the section 27A Application to the actual service charges for the year ended 30 November 2023 and 30 November 2024, and the on account service charge for the year 30 November 2024 to 1 December 2025.

17. The Tribunal imposed an unless direction requiring the Applicant to provide further and better particulars of his Application for the actual service charge for the years ending 30 November 2023, 30 November 2024, and the on account service charge for the year ending 30 November 2025. The Tribunal stated that if the Applicant did not comply with the unless direction the Application would be struck out.

18. The Tribunal gave the Applicant until 4pm on 10 November 2025 to make representations on the proposed strike out and to comply with the unless direction.

The Parties' Responses to the Directions dated 7 October 2025

19. On 20 October 2025 the Applicant submitted an Application (1) to set aside the directions of 7 October 2025 and (2) to stay the case until 1 January 2026. The Applicant also supplied a full response to the proposed strike out of parts of the Application and the Unless direction. The Respondents provided their replies on 28 and 30 October 2025 respectively. The Tribunal decided to deal with all matters together after 10 November 2025 in case there were any further representations by the Applicant before the cut off date of 10 November 2025.

The Applicant's Representations

20. The Tribunal sets out the Applicant's reasons for the adjournment which are as follows:

a) Despite it being repeatedly explained to you (*the Tribunal*) (by both parties), the current situation between the parties is highly confused and in a state of considerable flux.

b) The corrupt previous managing agents (and they unquestionably were) have finally been sacked, and they have pinched all the leaseholders' money. These are the same agents represented by slick-counsel that the Tribunal accepted every word from - in the standard, longstanding (very) and usual manner.

c) The Tribunal, you guys, are a major part of *'the leasehold problem'* and what is undoubtably the leasehold scandal in the UK. The vast majority of Tribunal judges have worked closely with / are colleagues of / are associates of, the solicitors and counsel who represent landlords and freeholders. Part of the same long-established gravy-train and the same professional club. There is no objective analysis at the Tribunal. There is no fair and pragmatic hearing at the Tribunal properly allowing for leaseholders' positions with limited funds and their own day-jobs. There is no justice at the Tribunal. Leaseholders are screwed by the landlords and then screwed again by the Tribunal.

d) There has been no progress in this case BECAUSE the situation between the parties is highly confused and it is in a state of considerable flux. This is not my fault. This is not the Respondents' fault either. It is simply the legacy of the corrupt previous managing agents and the terrible and highly confused situation that they have left everybody in, (ie no records, no financial accounts, no bank statements, no money, etc).

e) Accordingly, the most pragmatic, reasonable, and proportionate way forward was to 'put matters on hold' whilst all the resultant mess can be sorted out and until the situation has become clearer. This is what I have repeatedly tried to do – behave considerately, proportionately and reasonably; but you (*the Tribunal*) have another agenda altogether.

f) I have already put many hundreds of hours of work over the past few years into trying to stop the unquestionable corruption and the rip-off taking place at the building – not just for my benefit but for all the other 67 leaseholders too. However instead of you, the Tribunal, helping with this, and instead of you, the Tribunal, being the very body that should be stomping-all-over-this and stopping the wide-spread leaseholder rip-off and corruption that unquestionably exists;

you do the exact opposite and you act overtly to protect the status quo, the gravy-train, and 'The Club'.

g) I have already pointed out to you that I employ 350+ people and run 9 businesses, 2 of them in France. I already work 7 days a week for the vast majority of the year. Most days I work 14-hour days. Weekends I work all day Saturdays and usually about half the day on a Sunday. Even when ostensibly on holiday I work several hours every day. I have not had a day when I have not worked since the age of 21. In short, I simply do not have days and days of my time available that you are trying to impose on me and that you are demanding from me.

h) Conversely, I gather that you (*Judge Tildesley*) are retired and presumably (and apparently) have little or nothing else to do than this and perhaps a couple of other cases? This is directly evidenced by you writing 18 pages of directions; - which is entirely disproportionate and absurd.

21. The Applicant's representations on the proposed strike out are as follows:

a) **Service charge year 1 December 2021 to 30 November 2022**: Yes. This was a legacy issue which arose because of demands that the previous corrupt managing agents were making but now resolved. I confirm withdrawal of this part of the application.

b) **Apportionment of service charges**: This is another prime example of Tribunal blocking and preventing the exposure of corruption. Fact – there is absolutely no question that the apportionments are wrong, they are wrong as a matter of pure mathematics and they clearly have been manually fiddled with, and they are bent, OK? I have also had some of the current directors of the 4th respondent insisting that I should *"battle-on against the Tribunal"* (their words) because they also know that the apportionments are bent and they have been fiddled with to favour various persons from time-to-time. The first application was wrongly dismissed by Judge Carr. I then made a second application for variation of the lease and the outcome of that was it was arguable that the matter should be dealt under the reasonableness provisions; which is exactly where I had started - but I got Judge Carr. As above, there is an absolute limit to the amount of my time that I can spend on this circular stuff. The subject needs to be dealt with under the reasonableness provisions - exactly as I applied for in the first place. Due to the Tribunal's abject failure to deal with this subject to date (apart from to tangle it into knots and to create endless work) there is now a

possibility the parties could simply agree to have the building's apartments surveyed and measured and that will solve the problem once and-for-all and in a fraction of the time. As I have said, the Tribunal is genuinely not fit for purpose, and it does not perform its designated function.

c) **The cost of replacing the extraction fans**: No. This has never been decided because the costs were (and remain) unknown – certainly to me. I have information only from a letter from the previous agent that they purportedly became 165k, but I have never received any itemised demand including the fans. The purported sum for the fans was another rip-off by the previous managing agent where very big sums of leaseholder monies disappeared using a one-man-band so-called consultant with an accommodation address in Worthing.

d) **The sum sought in respect of the reserves for the year 1 December 2022 to 30 November 2023**: No. As above, these demands include sums for the fans - but which sums have never been specified or revealed. These sums also include huge sums wasted on the fire scam nonsense.

e) **The sum of £3,684 for the budgeted cost of insurance for the year 1 December 2022 to 30 November 2023:** I have not made any application in respect of budgeted insurance costs.

22. The Applicant disagreed with the Tribunal's intention to restrict the Application to the actual service charges for the year ended 30 November 2023 and 30 November 2024, and the on account service charge for the year 30 November 2025. The Applicant argued that the application should proceed and deal with ACTUAL service charges for years 1 December 2022 / 23 / 24 to 30 November 2023 / 24 / 25 (the latter year shortly to end).

23. The Applicant said in relation to the **Unless Direction regarding the service charges for the years ended 30 November 2023; 30 November 2024 and 30 November 2025 because** there are no records, no financial accounts. no bank statements, and there are not itemised demands or breakdowns from the 4th respondent for these service charge years. All he has are 'statements' with non-itemised totals.

The First, Second and Third Respondent's Representations

24. Mr Buckle, solicitor, responded on behalf of the First, Second and Third Respondents as follows:

a) The First to Third Respondents had already agreed an 8 week adjournment to allow the Applicant and the Fourth Respondent to discuss matters. Although this adjournment has not been formally granted, the time gap between the Case Management Hearing and the directions has effectively provided that period of time. It is unknown to the First to Third Respondents whether any progress has been made.

b) If there are meaningful conversations taking place between the Applicant and the Fourth Respondent, and the Fourth Respondent wishes for the proceedings to be stayed until 1 January 2026, then the First to Third Respondents would remain neutral on that point.

c) Notwithstanding that, the First to Third Respondents share the Tribunal's concerns that the continued adjournment of proceedings with no suggestion of progress is not consistent with the overriding objective.

d) The First to Third Respondents can see no basis upon which the Applicant can seek to set aside the directions given. The First to Third Respondents agree with all of the reasons provided by the Tribunal in making its case management directions.

The Fourth Respondent's Representations

25. Mr Fletcher responded on behalf of the Fourth Respondent:

a) We wish to express our thanks to Judge Tildesley for the time he has spent and for the directions he has provided.

b) We also wish to express our sincere apologies for not providing comments on the Freeholders' request to be removed as Respondents and our firm commitment to meet future deadlines.

c) We believe that the directions that Judge Tildesley has set out provide a robust framework to clarify the issues Neil has raised and hopefully facilitate resolution.

d) We had wanted to negotiate with Mr Morgan to see if matters could be resolved without the need for court action which is why we had agreed with his original request to defer the directions hearing in September. We met with Mr Morgan on 11th September but unfortunately, we are no further forward yet.

e) That said we see merit in the Court's latest directions. We have also noted Mr Morgan's latest comments and equally we are happy to negotiate to see if we can reach an agreement.

f) We wish to be open and transparent with the court and therefore want to make you aware that the handover from our old managing agents, Sterling Estates Management has been poor. No financial documents relating to the financial year ending 30 November 2023 have been provided to our new managing agents Olympus, although the directors during that period have suggested they hold some relevant documents, but this has not been verified. The information provided to our auditors by Sterling Estates Management has been inadequate to allow the service charge accounts for the year ending 30 November 2024 to be fully reconciled, or to allow them to provide an audit opinion.

g) We are doing all we can to try to remedy this situation.

h) However, this means that it is probable that we will not be able to provide Mr Morgan with all the information he needs to populate the schedule in Appendix 2 of Judge Tildesley's directions dated 7 October by 10 November.

Decisions

Adjournment

26. **The Tribunal refuses the Applicant's application to set aside the directions dated 17 October 2025 and to stay the proceedings until 1 January 2026.**

27. The reasons for the Tribunal's decision are as follows:

a) The Tribunal finds that there has been no progress in this case since the Application was made on 15 January 2025. The Tribunal is satisfied that the lack of progress is wholly due to the Applicant's unwillingness to help the Tribunal to further the overriding objective and co-operate with the Tribunal generally. The Tribunal relies on its findings at paragraphs 12 to 19 of its decision on the applications of First, Second and Third Respondents for unreasonable costs dated 7 October 2025 (see Appendix 2).

b) The Tribunal is not confident that a stay would achieve progress with the application. The Tribunal observes that on 14 April 2025 the Applicant emailed the County Court seeking

vacation of the hearing for relief from forfeiture and to stay the proceedings generally so he could discuss the issues with the Management Company and the Freeholders. The parties agreed to the stay. Since the 15 April 2025 the Applicant has had one meeting with the Management Company (Fourth Respondent) on 11 September 2025 which has not moved matters forward.

c) The Applicant has two other proceedings relating to service charges for the property which have not been finalised. The Applicant has not pursued the application for variation of the lease under section 35(2)(f) of the Landlord and Tenant Act 1987 which has remained outstanding since 16 July 2024. Further the Applicant has not progressed the permission to Appeal the insurance charge granted by the Upper Tribunal on 11 October 2024. The Tribunal also notes that the relief from forfeiture proceedings has been stayed since 16 April 2025.

d) The Applicant argues that he has not been able to progress the proceedings because the current situation is complex and in a state of considerable flux. The Applicant states that he has not been provided with itemised demands and that he has only received statements of account. The Tribunal observes that this state of affairs did not prevent the Applicant from pursuing the two other sets of service charges proceedings before the Tribunal. Further the Applicant put forward a detailed case based on the statement of account dated 27 August 2024 in support of his claim for relief from forfeiture.

e) The Tribunal considers that the facts support its view that the Applicant is using the current Tribunal proceedings as leverage in his negotiations with the Respondents rather than actively seeking resolution of the dispute by the Tribunal.

Strike Out Parts of the Application

28. The grounds for the Applicant's section 27A application are set out in "the Schedule of Unreasonable Service Charges" dated 15 January 2025. The Schedule comprises 56 pages and identifies seven issues. The first five issues related to the costs of building insurance including budgeted costs. The sixth issue concerned the method of apportioning charges between the individual leaseholders. The seventh issue was the use of the reserve funds to pay for the replacement of ventilation extraction fans. The schedule also included a claim for damages and reinstatement of the roof terrace to its original condition. The Tribunal observes that the claims for damages and re-instatement of the roof terrace are matters for the County Court and not the Tribunal.

29. The Tribunal's overall assessment of "the Schedule of Unreasonable Service Charges" is that it was a rehash of the previous service charge application which was determined by the Tribunal on 29 July 2024.

30. The Tribunal having regard to the Applicant's representations decides the following in respect of its proposals to strike out parts of the Application.

a) **Service charge year 1 December 2021 to 30 November 2022**: **The Applicant agrees that this should be struck out**.

b) **Apportionment of service charges**: The Applicant insists that he is entitled to raise this issue under his section 27A application. On 18 October 2023 Judge Carr of the Ft Tribunal decided that the part of the previous section 27A application relating to apportionment of service charges should be struck out. Judge Carr supported her decision with detailed reasons. This Tribunal understands that the Applicant sought permission from the Upper Tribunal to challenge the Tribunal's decision in respect of apportionment but was refused. The Applicant wishes in his current section 27A application to put forward the same arguments as was heard by Judge Carr on 18 October 2023. **This Tribunal is not minded to permit this and strikes out the issue of apportionment of service charges on the ground that this part of the proceedings are between the same parties and arise out of facts which are similar or substantially the same as those contained in a proceedings or case which has been decided by the Tribunal (rule 9(2)(c) of the Tribunal Procedure Rules 2013).** The Tribunal notes that following Judge Carr's decision the Applicant made an Application to Vary the Leases under section 35 of the Landlord and Tenant Act 1987. The Tribunal on 6 August 2024 struck out that part of the Applicant's application relating to the ground under section 35(2)(e) of the 1987 but left open that part under section 35(2)(f) of the 1987 Act. The Applicant is at liberty to apply to reinstate the application under section 35(2)(f) of the 1987 Act.

c) **Extractor/Ventilation Fans and Reserves for 2022/23**: the Tribunal is satisfied that the Applicant's case as set out in the "the Schedule of Unreasonable Service Charges" is the same as that considered by the Tribunal on 29 July 2024. **The Tribunal, therefore, strikes out the parts of the application relating to extractor/ventilation fans and reserves pursuant to rule 9(2)(c) of the Tribunal Procedure Rules.**

d) **Budgeted Insurance Costs:** Issue 3 of "the Schedule of Unreasonable Service Charges" relates to the budgeted insurance costs for the years ended 30 November 2022, 30 November 2023 and 30 November 2024. **The Applicant has agreed to the strike out of that part of the Application relating to the service charge year ended 30 November 2022. The Tribunal strikes out that part of the Application relating to the budget insurance costs for the year ended because it was dealt with by the Tribunal on 29 July 2024 in accordance with rule 9(2)(c) of the Tribunal Procedure Rules 2013.** The Tribunal adds that the Applicant's case under issues 1, 2, 4 and 5 of "the Schedule of Unreasonable Charges" relating to insurance was in effect the case put forward to the Tribunal on 29 July 2024 in respect of the budget insurance costs for the year ended 30 November 2023. The Tribunal reduced the Applicant's budgeted insurance costs from £4,859 to £3,674 for the year ended 30 November 2023.On 11 October 2024 the Upper Tribunal granted the Applicant permission to appeal the insurance decision on the ground that it was arguable that the charge in respect of insurance was not reasonable. The Applicant has chosen not to pursue the Appeal. Had he done so it might have clarified the relevant factors determining the reasonableness of the insurance charge for future years and avoided the need for further proceedings on this matter.

The Unless Direction

31. The Tribunal stated that it intended to restrict the section 27A Application to the actual service charges for the year ended 30 November 2023 and 30 November 2024, and the on account service charge for the year 30 November 2024 to 1 December 2025. This was dependent upon the Applicant complying with an unless direction of supplying further and better particulars of the Application by 4pm on 10 November 2025. The Tribunal directed that failure to comply with the unless direction would result in the strike out of the section 27A application without further notice.

32. The Applicant has not complied with the Unless Direction. The Applicant says that the matter is complex and that there are no records, no financial accounts. no bank statements, itemised demands or breakdowns from the Fourth Respondent for these service charge years. The Applicant insists that all he has are 'statements' with non-itemised totals.

33. The Fourth Respondent indicated that the handover from their previous managing agents, Sterling Estates Management, has been poor. According to the Fourth Respondent, this means that it was probable that it would not be able to provide the Applicant with all the

information he needs to populate the schedule in Appendix 2 of directions dated 7 October by 10 November 2025.

34. The Tribunal does not accept the Applicant's explanation for not complying with the Unless direction. The Tribunal observes that the "lack of information" did not prevent the Applicant from submitting a bundle of 509 pages to the previous Tribunal on 29 July 2024 hearing the service charges for the year ended 30 November 2023. The Tribunal notes that the Applicant has had almost eleven months to identify the issues in dispute and it would appear from the response of the Fourth Respondent that he has provided them with a list of issues which the Applicant has not divulged to the Tribunal.

35. The Tribunal turns next to the position of the Fourth Respondent. The Tribunal considers that the Fourth Respondent has not been forthcoming about its stance to the Applicant's section 27A application. The Fourth Respondent failed to co-operate with the Tribunal when it requested representations on the applications by the First, Second and Third Respondents. The Fourth Respondent appeared to be in possession of the Applicant's issues with the service charges but has not shared them with the Tribunal. The Applicant states that some of the Fourth Respondent's current_directors were insisting that he should *"battle-on against the Tribunal"* which if correct represents a conflict of interest on the part of the directors. It is the Fourth Respondent who is the principal party and Respondent to these proceedings not the Tribunal. The Fourth Respondent has indicated that it is willing to enter into negotiations with the Applicant with a view to reaching a settlement.

36. The original stance of the First, Second and Third Respondents was that they were not parties to the proceedings. Although the Tribunal has decided that they are parties, the right of the First, Second and Third Respondents to enforce payment of service charges is either through forfeiture proceedings or to take action against the Fourth Respondent in accordance with the terms of "the Maintenance Lease".

37. The Tribunal is obliged to consider the overriding objective of dealing with cases fairly and justly in accordance with rule 3 of the Tribunal Procedure Rules 2013 before deciding to exercise the power of strike out. In order for the Tribunal to carry out its duties under rule 3 there must be a dispute between the parties and that the parties must co-operate with and help the Tribunal to achieve the overriding objective.

38. The Tribunal is satisfied that the dispute between the Applicant and the Respondents has not crystallised. The Tribunal finds that the Applicant's sole purpose in bringing these proceedings is to enable him to enter into negotiations with the Fourth Respondent. The Applicant does not require a Tribunal application for such negotiations to take place, particularly as the Fourth Respondent has

indicated that it is willing to enter into negotiations. Throughout these proceedings the Applicant has refused to acknowledge the Tribunal case management responsibilities and has persistently failed to co-operate with the Tribunal to advance resolution of the dispute. The Tribunal considers that the Fourth Respondent has adopted an ambivalent approach to these proceedings and has not assisted the Tribunal to further the overriding objective. The Tribunal, therefore, concludes that a decision to strike out these proceedings is consistent with the overriding objective.

39. The Tribunal is satisfied that the Applicant has failed to comply with the unless directions and that the manner in which these proceedings have been conducted amounts to an abuse of the process of the Tribunal.

40. The Tribunal adds that this decision does not prevent the parties from attempting to negotiate a settlement and if no settlement is reached, either party may make a fresh application to the Tribunal or a Claim to the County Court.

Decision

41. **The Tribunal decides that the section 27A Application should be struck out on the grounds of no jurisdiction; failure to comply with an unless direction; failure to co-operate; the proceedings arise out of similar facts, and an abuse of the process of the Tribunal in accordance with rules 9(2)(a); 9(3) (a) (b) (c) and (d) of the Tribunal Procedure Rules 2013.**

42. The Tribunal incorporates Appendices 1 and 2 as part of this decision.

RIGHTS OF APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case.

2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.

3. If the person wishing to appeal does not comply with the 28 day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.

4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.

APPENDIX ONE: BACKGROUND

The Application

43. On the 15 January 2025 Applicant applied for determination of the actual service charges for (i) 1 December 2021 to 30 November 2022; (ii) 1 December 2022 to 30 November 2023; and (iii) 1 December 2023 to 30 November 2024 and on account service charges for the year 1 December 2024 to 30 November 2025 pursuant to section 27A of the Landlord and Tenant Act 1985 (1985 Act).

44. The Applicant also applied for orders under section 20C of the 1985 Act and paragraph 5A of schedule 11 of the Commonhold and Leasehold Reform Act 2002 for Orders limiting the Landlord's costs in the proceedings.

45. The Applicant is the long leaseholder of Apartment 49, Sir John Lyon House, 8 High Timber Street, London, EC4V 3PA. Riverview Holdings Limited (First Respondent) is the beneficial owner of the Building and is described as such in the Applicant's lease. Skywoode Estates Limited and Alphaxa Limited (Second and Third Respondents) are the registered proprietors of Sir John Lyon House, 8 High Timber Street, London, EC4V 3PA and are therefore the legal owners. They are named in the Applicant's lease as the landlord. Sir John Lyon Management Limited (Fourth Respondent) is a management company responsible under the lease for the common parts of the Building. The Fourth Respondent provides services and demands service charges in respect of the building and is a Landlord for the purposes of section 30 of the 1985 Act.

46. The Tribunal was unable to accept the Application under section 27A of the 1985 Act because the Applicant refused to pay the outstanding balance of £10 on the Application fee despite letters from the Tribunal dated 27 January 2025 and 21 May 2025, and despite having been given 14 days' notice that the fee has not been paid. On 11 June 2025 the Tribunal ordered that the case was deemed withdrawn in accordance with Rules 11(1) and (2) of the Tribunal Procedure Rules 2013.

47. On 7 July 2025 the Tribunal decided to reinstate the Application following payment of the outstanding balance of £10 by a third party. The Tribunal directed that a case management hearing be held on 24 July 2025 at 10am at 10 Alfred Place, London, WC1E 7LR.

48. The Applicant said that he was unable to attend the case management hearing, and requested that the case be adjourned with liberty to restore. The Tribunal advised the Applicant that he must use form Order 1 if he wished to apply for an adjournment and to copy his emails with the Tribunal to the other parties. Despite various requests and an

explanation from the Tribunal as to why it was necessary to use form Order 1 the Applicant refused to heed the Tribunal's advice and at one point used intemperate language. Judge Tildesley took the view that no formal application for adjournment had been made and directed that the case management hearing on 24 July 2025 should proceed with the parties in attendance.

49. On 23 July 2025 the Applicant asked to attend the case management hearing via the common video platform. The Tribunal was made aware of the Applicant's request on the morning of the hearing. Judge Tildesley instructed the case officer to set up a CVP and provide a link to the Applicant which was emailed to the Applicant. The Applicant did not respond to the email and did not join the hearing. At 11.00am on 24 July 2025 Judge Tildesley decided to proceed with the hearing.

50. At the case management hearing on 24 July 2025 Mr Jamie Cockfield of Counsel appeared for the First, Second and Third Respondents. Mr Jamie Fletcher appeared for the Fourth Respondent. Mr Fletcher confirmed that he had not made an application for adjournment of the case management hearing using form Order 1. Mr Fletcher explained that the directors of the Fourth Respondent were desirous of meeting with the Applicant to explore the possibility of settling the dispute. Mr Fletcher added that after speaking with the freeholder he agreed that the case management hearing should go ahead. Mr Fletcher pointed out that the records of the previous managing agents showed that the Applicant was in significant arrears with his service charges.

51. The hearing was split into two parts. The first part related to a Case Management Application to remove the First, Second and Third Respondents from the Section 27A application and an Application for unreasonable costs by First, Second and Third Respondents. As the Applicant was not present the Tribunal directed that the Applications would be dealt with on the papers and that the parties would be required to submit written representations.

52. The second part concerned an Application by the Fourth Respondent to adjourn the section 27A proceedings for a fixed date to enable the Fourth Respondent to have discussions with the Applicant. At the case management hearing the managing agent viewed the purpose of the discussions as to ascertain the Applicant's intentions to discharge what he described as significant arrears on the account. The Tribunal fixed the date of the new case management hearing for the week commencing 22 September 2025 which was some eight weeks after the date of the case management hearing. The fourth Respondent indicated that he had no dates to avoid. The Tribunal directed the Applicant to provide dates to avoid during that week by no later than the 1 August 2025. The Applicant did not comply with the direction and a date of 23 September 2024 was fixed.

53. On 20 August 2025 the Tribunal considered various emails from the Applicant. In his email of 7 August 2025 the Applicant requested that the Tribunal rescind the directions issued following the case management hearing on 24 July 2025, and apply a general stay to the proceedings. On 11 August 2025 the Case Officer informed him that he must make his Application using Form Order 1. In his email of 11 August 2025 the Applicant refused to complete Form Order 1 arguing that the Tribunal had no authority to insist on the completion of Form Order 1. Next the Applicant said that if the Tribunal wished to hold a hearing it should provide a window of potential dates and times and if he is able to do so he would confirm his availability for one day. Finally the Applicant also asked for the Tribunal to respond to every point made and every complaint made within his email of 7 August 2025.

54. The Tribunal made the following observations:

a) The Application of the First, Second and Third Respondents is their Application and they are entitled to have their Application dealt with. They have been required to submit their Application using Form Order 1. The Fourth Respondent has indicated that it does not object to the Application. There is no requirement to hold a hearing for the Applications which has been listed to be dealt with on the papers. The Tribunal has formed no view on the Application which is why it is important that the Applicant complies with the directions for him to have his say. The determination has been listed before the case management hearing on 23 September 2025 in case the Tribunal disagrees with the Application to remove them as Respondents.

b) The Applicant was given a window of 5 days in the week commencing 23 September 2025 to provide his availability for the new case management hearing. The Tribunal did not consider it was unreasonable for the Applicant to respond to this simple request within the time allocated. It did not require the completion of Order Form 1 because it was not a case management application to the Tribunal.

c) Rule 6(1) of the Tribunal Procedure Rules 2013 gives the Tribunal a general power to regulate its own procedures. The Tribunal introduced Form Order 1 in November 2020 under its general powers for parties who wish to make requests for case management or other interim orders. The Tribunal reinforces its general power by making the requirement to complete Form Order 1 a specific direction.

d) The reasons for the requirement to complete Form Order 1 are to ensure that the Tribunal has a record of the Application and the reasons for it which are contained in one document. Further it places a requirement on the party making the Application to

send it to the other party. Finally the Form requires the Applicant to sign it with a statement of truth. The previous practice of allowing applications by email did not work because applications were missed or were not clearly stated and often not served on the other party. The Tribunal has made repeated requests for the Applicant to complete form Order 1 which the Applicant has refused to do. The Applicant has an obligation to help the Tribunal to further the overriding objective and co-operate with the Tribunal generally.

e) The Tribunal did not adjourn the proceedings generally at the previous case management hearing because (1) none of the parties present at the hearing requested an adjournment on such terms, (2) the Applicant failed to make an application using Form Order 1, (3) these proceedings have been ongoing since January 2025, (4) the Tribunal has an obligation to avoid delay so far as compatible with proper consideration of the issues, and (5) the Tribunal took note of previous proceedings that the Applicant have been involved with where issues still remain outstanding.

f) The Applicant's email of 11 August 2025 requests a response to every complaint made within your email of 7 August 2025. If the Applicant wishes to make a complaint about a Tribunal member please refer to Complain about a judge, magistrate, tribunal member or coroner - GOV.UK which will explain the procedure for making complaints.

55. On 20 August 2025 the Tribunal found that the Applicant had refused to make a case management application using Form Order 1 contrary to the instructions given in the directions issued on the 25 July 2025. The Tribunal directed as follows:

1. The directions of 25 July 2025 remain in force which applies both to the Applications of the First, Second and Third Respondents, and to the Application of the Fourth Respondent.

2. The case management hearing of 23 September 2025 is retained for the substantive matter of determining liability to pay service charges.

3. Applications for further directions, interim orders, variations of existing directions, or a postponement of the final hearing/determination must be made using form Order 1[1].

[1] Form Order 1 is available at https://www.gov.uk/government/publications/ask-the-first-tier-tribunal-property-chamber-for-case-management-or-other-interim-orders

4. If the **Applicant** fails to comply with these directions the tribunal may **strike out** all or part of their case pursuant to rule 9(3)(a) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 ("the 2013 Rules").

5. If the **Respondent** fails to comply with these directions the tribunal may bar them from taking any further part in all or part of these proceedings and may determine all issues against it pursuant to rules 9(7) and (8) of the 2013 Rules.

56. On 15 September 2025 the Applicant requested an adjournment of the case management hearing on 23 September 2025 for a period of at least eight weeks. The purpose of the adjournment was to enable discussions to continue with the Fourth Respondent with a view to reaching a settlement. The Tribunal cancelled the case management hearing because it would serve no useful purpose.

57. On 7 October 2025 the Tribunal instead decided to issue fresh directions to progress the hearing. The Tribunal also published a separate decision dated 7 October 2025 in respect of the Applications by First, Second and Third Respondents to be removed as Respondents and for unreasonable costs. The Tribunal refused the Application by the First, Second and Third Respondents to be removed as Respondents. The Tribunal found that the Applicant had acted unreasonably in the conduct of proceedings but decided it was not appropriate to make an order for costs against him.

Previous Proceedings involving the Applicant and the Respondents

58. By an application dated 26 March 2023 the Applicant sought a determination of his liability to pay specific service charges for the year 1 December 2022 to 30 November 2023. In his application the Applicant initially sought to join the legal and beneficial owners of the freehold of Sir John Lyon House. He additionally sought to challenge the apportionment of service charges which had been applied to his flat. At a hearing before Judge Carr on 18 October 2023 the Tribunal determined as a preliminary issue that the claims against the owners of the freehold should be struck out and also determined that it should not intervene in the apportionment under the terms of the lease. The Applicant sought permission from the Upper Tribunal to challenge the Tribunal's decision in respect of apportionment but was refused

59. On 5 July 2024 the Tribunal dealt with the issues that remained with the Application against the Fourth Respondent, namely:

a) The reasonableness of the sums demanded on account in respect of insurance for the year 1 December 2022 to 30 November 2023.

b) The reasonableness of the sums demanded in respect of reserves for the year ending 30 November 2023.

c) Whether the cost of works to the ventilation fans on the roof of the building came within the definition of maintenance expenses under Schedule 6 of the lease and consequently were a relevant cost for the purposes of Mr Morgan's liability to pay service charges.

60. On 29 July 2024 the Tribunal decided that

a) The service charges which fell due on 1 December 2022 were payable by the previous leaseholder Dr Smith for the period 1 December 2022 to 31 May 2023.

b) The cost of replacing the extraction fans are maintenance expenses within the meaning of Schedule 6 to the lease and recoverable as a service charge.

c) The amount payable in respect of budgeted buildings insurance for the year 1 December 2022 to 30 November 2023 is £3,674 for flat 49.

d) The amount payable in respect of reserves is the relevant proportion of £22,500.

e) It was just and equitable in the circumstances for an order to be made under section 20C of the 1985 Act, so that the Fourth Respondent may only pass 80% of its costs incurred in connection with the proceedings before the tribunal through the service charge, insofar as they are recoverable. Similarly no more than 80% of those costs may be recovered from the Applicant as an administration charge, insofar as those legal costs are recoverable from him as an administration charge under the terms of his lease.

61. On 11 October 2024 the Upper Tribunal granted the Applicant permission to appeal on the ground that it was arguable that the charge in respect of insurance was not reasonable.

62. The Tribunal understands that the Applicant has not pursued the Appeal before the Upper Tribunal.

63. On 29 December 2023 the Applicant applied to the Tribunal pursuant to section 35 of the Landlord and Tenant Act 1987 for a variation of his lease. The proposed variation was limited to replacing the figure of 3.299% with 1.875%. for "the Tenant's Proportion of Costs of Services".

64. On 10 June 2024 the Fourth Respondent applied for an order that the Applicant's application be struck out pursuant to paragraph 9(3)(e) of the Tribunal Procedure Rules.

65. On 16 July 2024 the Tribunal heard the Application. On 6 August 2024 the Tribunal decided that

a) There was no reasonable prospect of the Applicant succeeding under section 35(2)(e), and accordingly this aspect of his application is struck out.

b) In relation to section 35(2)(f), the only point that has any possible merit is the Applicant's submission that the tribunal cannot yet be satisfied that the service charge percentages add up to 100%. Any other arguments or grounds raised by the Applicant, whether they purport to relate to section 35(2)(e) or to section 35(2)(f), have no reasonable prospect of success, and accordingly they are all struck out. Therefore, to summarise, the only element of the Applicant's case that is not struck out is his contention (for the purposes of section 35(2)(f) only) that the service charge percentages do not in aggregate add up to 100%.

c) It follows that there is no basis for admitting in evidence any measured survey or any other evidence apart from evidence relevant to the narrow question of whether the service charge percentages add up to 100%. If the parties cannot agree on the nature of the evidence that should be adduced in respect of this narrow question the tribunal will need to make a decision on this point using its case management powers.

66. The Applicant applied to the Upper Tribunal for permission to Appeal the decision. On 30 October 2024 Judge Cooke refused permission to appeal stating that

> "The proportion specified in the lease is 3.299%, and it appears that the applicant is being charged 3.354% by the respondent in exercise of its power to vary the proportions. It may be the case that the proportion charged in the lease was intended to reflect floor area, and it may or may not be the case that it does so or did so. One party or another may have made an error; if the original parties made an error they could have agreed to vary the lease on that basis or one of them

could have applied for rectification on that basis. They did not do so. The fact that the proportion does not reflect the internal area of the flat as intended is not a ground for variation under section 35(2)(e), which is about the ability of a party to recover its expenditure. The applicant has not shown that there is anything preventing the landlord from recovering its expenditure. There is no prospect of a successful appeal on this basis and permission is refused. I understand that the application under section 35(2)(f) has not been struck out. The FTT can vary the lease on this ground if, and only if, it can be shown that the landlord is able to recover more or less than 100% of its expenditure".

67. The Tribunal understands that the Applicant has not pursued the outstanding matter of whether the service charges percentages add up to 100%.

68. On 2 October 2024 a section 146 Notice was served on the Applicant for failure to pay the service charge, and the Applicant made an application for relief from forfeiture. Prior to the first hearing the parties agreed to stay the claim generally.

Appendix 2: Decision on Unreasonable Costs issue 7 October 2025

Application for Unreasonable Costs pursuant to Rule 13(1)(b) of the Tribunal Procedure Rules

1. The Tribunal's power to order costs is subject to the restrictions imposed by the Tribunal Procedure Rules 2013. Those restrictions prohibit the making of an order for costs except in the circumstances described in rule 13(1) which are in the case of the Residential Property Tribunal limited to either a wasted costs order (rule 13(1)(a)) or an unreasonable costs order (rule 13(1)(b).

2. In this case the First, Second and Third Respondents are seeking an unreasonable costs order in the sum of £12,897.60 against the Applicant.

3. An order for unreasonable costs under rule 13(1)(b) is concerned only with the conduct of the parties and only with conduct that is unreasonable.

4. The Upper Tribunal in *Willow Court Management Co (1985) Limited v Alexander* [2016] UK UT 290 (LC) advocated the use of systematic or sequential approach to the question of unreasonable costs:

> "At the first stage the question is whether a person has acted unreasonably. A decision that the conduct of a party has been unreasonable does not involve an exercise of discretion but rather the application of an objective standard of conduct to the facts of the case. If there is no reasonable explanation for the conduct complained of, the behaviour will properly be adjudged to be unreasonable, and the threshold for the making of an order will have been crossed. A discretionary power is then engaged and the decision maker moves to a second stage of the inquiry. At that second stage it is essential for the tribunal to consider whether, in the light of the unreasonable conduct it has found to have been demonstrated, it ought to make an order for costs or not; it is only if it decides that it should make an order that a third stage is reached when the question is what the terms of that order should be".

5. The critical question for the Tribunal when considering an application for unreasonable costs is whether the threshold criterion of unreasonableness has been met.

6. In *Willow Court Management* the Upper Tribunal emphasised that an assessment of the threshold criterion of unreasonable conduct involved an application of an objective standard of conduct to the facts of the case. Lord Justice Coulson in *Lea v Ilfracombe*

Management [2024] EWCA Civ 1241 re-iterated the fact-specific nature of the test for unreasonable conduct and that it was not appropriate to give more general guidance as to what does or does not constitute unreasonable behaviour. Lord Justice Coulson suggested that a good practical rule is for the Tribunal to ask: "would a reasonable person acting reasonably have acted in this way? Is there a reasonable explanation for the conduct in issue".

7. The First, Second and Third Respondents cited four instances of the Applicant's conduct which they said constituted unreasonable behaviour, namely:

a) The Applicant acted unreasonably in bring proceedings against the First to Third Respondents, because he was a party to and aware of the Tribunal's case management decision LON/00AA/LSC/2023/0126 in the previous service charge proceedings that the First to Third Respondents were not appropriate parties to section 27A proceedings.

b) The Applicant continued with the proceedings despite an email dated 17 July 2025, from the First to Third Respondents' solicitors reminding him of the case management decision in the prior proceedings and seeking his confirmation that the current proceedings would be withdrawn against the First to Third Respondents.

c) The Applicant failed to attend the case management hearing on 24 July 2025. The Applicant informed the Tribunal that he was unable to attend in person because he was on annual leave with his family, but then later said he would join if a video link was sent to him. This was done by the Tribunal office, but the Applicant still failed to attend the hearing. This meant that the case management hearing was ineffective in progressing the proceedings save for directions relating to filing the application to remove the First, Second and Third Respondents

d) The Applicant acted unreasonably in his conduct towards Tribunal staff, in particular used abusive and demanding language in his dealings with them. The First, Second and Third Respondents referred to extracts from various emails from the Applicant to the Tribunal which included

> "I am not completing any form for you when my email is perfectly clear and suffices perfectly well; - further cynical blocking timewasting bureaucracy. You have totally lost contact with why you were formed, - to be a simple, quick informal method of resolving property disputes." (email dated 30 May 2025).

> "You and the FTT have conducted yourselves cynically and with the utmost bad faith since the start of this application, initially desperate to strike it out for the want of 10 quid and at one and the same time refusing to return what had already been paid…"(email dated 22 July 2025).
>
> "For the umpteenth f*****g time, bloody-well read exactly what I have repeatedly said now repeated in bold with highlight:
> **I am on annual leave on 24 July and cannot attend a CMC on that date…[…]…**
> OK? So please stop behaving like complete and utter arses and conduct yourselves in a proper manner, without prejudice or bias, without bad faith, remembering that you are meant to be an informal and flexible system." (email dated 22 July 2025)

8. The Applicant's explanation for naming the First, Second and Third Respondents in the current proceedings was that information had come to light after the case management decision in the previous proceedings which showed that they had a substantial involvement in the insurance arrangements for the building. The Applicant also stated that he accepted the First, Second and Third Respondents had no involvement in the other matters before the Tribunal but that they should remain as Respondents to address the insurance arrangements. The Applicant had responded to the solicitor's email of 17 July 2025 explaining his position.

9. The Applicant's explanation for his conduct to Tribunal staff was that the Tribunal never listened to him and that the Tribunal had deliberately created and constructed a situation where a lot of unnecessary work was being generated, including immediate compliance with directions and deliberately short-timed-deadlines. The Applicant said that the Tribunal's underlying purpose was to deliberately manufacture and create a situation where the Tribunal had the opportunity to make a costs order against me.

10. The Applicant stated that in respect of his non-attendance at the case management hearing on 24 July 2025 that the Tribunal knew that his family and him were on holiday on 24 July 2025 but that the Tribunal bulldozed ahead with a hearing regardless. The Applicant said that he eventually stated in the morning of the 23 July 2025 that he would attend a video hearing whilst on holiday but the Tribunal failed to send a video link until the morning of 24 July 2025 knowing full well that he would not be sitting at the computer awaiting an email with the link.

11. The Tribunal finds that the Applicant had a reasonable explanation for bringing proceedings against the First, Second and Third

Respondents. The Applicant stated that new evidence had come to light following the case management decision in the previous proceedings which he said showed that the First, Second and Third Respondents had a substantial involvement in the insurance arrangements for the building. The Applicant responded to the First, Second and Third Respondents' solicitors' email on 17 July 2025 reminding him of the previous case management decisions, and gave his justification for naming them as Respondents. This Tribunal has refused the First, Second and Third Respondents' application to remove themselves as Respondents to the current service charge application which supports the reasonableness of the Applicant's decision to proceed against the First, Second and Third Respondents.

12. The Tribunal finds that the Applicant had no reasonable explanation for his conduct to the Tribunal and his failure to attend the case management hearing on 24 July 2025.

13. The Tribunal relies on its findings in the directions dated 7 October 2025 refusing the Applicant's application to adjourn the proceedings and Appendix One setting out the chronology of the proceedings. The directions are incorporated as part of this decision.

14. The Tribunal finds that there has been no progress in this case since the Application was made on 15 January 2025. The Tribunal is satisfied that the lack of progress is wholly due to the Applicant's unwillingness to help the Tribunal to further the overriding objective and co-operate with the Tribunal generally.

15. The Applicant refused to pay the outstanding balance of £10 in respect of the Tribunal fee despite several reminders from the Tribunal, and ultimately an order to mark the proceedings as withdrawn. When the proceedings were reinstated after payment of the outstanding balance by a third party, the Applicant refused to follow the correct procedures for making applications even after an explanation was given as to the reasons why the Tribunal required completion of Form Order 1.

16. The Applicant insisted that he was unable to attend the case management hearing on 24 July 2025. At 11.22am on 23 July 2025 the Applicant emailed the case officer attaching his skeleton argument for the hearing and offering to attend the hearing by video. The Applicant did not copy the email to the generic office address: London.RAP@justice.gov.uk. All Tribunal emails contain the advice: *"As case officers are sometimes absent, always send or copy the email to the generic office address: London.RAP@justice.gov.uk"*. The case officer was on leave on 23 July 2025. On 24 July 2025 prior to the commencement of the

hearing the Tribunal was made aware of his request to attend the hearing by video and emailed the Applicant the link to join the hearing by video. The Tribunal delayed the start of the hearing to 11.00am. The Applicant did not acknowledge the email and did not attend the hearing.

17. The Applicant throughout his dealings with the Tribunal refuses to acknowledge the Tribunal's statutory responsibility to manage cases. In the process the Applicant has made unsubstantiated allegations about the Tribunal's bona fides, at times used inappropriate language when corresponding with Tribunal staff and has failed to comply with directions. The Tribunal acknowledges that the Applicant has finally heeded the Tribunal's advice and used Form Order 1 to make the current adjournment application. The Tribunal, however, notes that he continues to argue that he is being treated differently from other parties which is demonstrably not true.

18. The Applicant has two other sets of proceedings before the Tribunal which have not been finally resolved which together with the current proceedings raises questions about whether the Applicant is using the Tribunal proceedings as leverage in his negotiations with the Respondents rather than actively seeking resolution of the dispute by the Tribunal.

19. The Tribunal also relies on the contents of the emails exhibited by the First, Second and Third Respondents which evidence the Applicant's abusive language and his unwillingness to co-operate with the Tribunal to further the overriding objective.

20. **The Tribunal is satisfied for the reasons given above that the Applicant has acted unreasonably in the conduct of the proceedings before the Tribunal.**

21. The next question for the Tribunal is whether an order for unreasonable costs should be made against the Applicant.

22. The Upper Tribunal in *Willow Court Management Co (1985) Limited v Alexander* [2016] UK UT 290 (LC) at paragraphs 29 & 30 gave the following advice on whether an order for costs should be made:

> "29. Once the power to make an order for costs is engaged there is no equivalent of CPR 44.2(2)(a) laying down a general rule that the unsuccessful party will be ordered to pay the costs of the successful party. The only general rules are found in section 29(2)-(3) of the 2007 Act, namely that "the relevant tribunal shall have full power to determine by whom and to what extent the costs are to be paid", subject to the tribunal's procedural rules. Pre-eminent amongst

those rules, of course, is the overriding objective in rule 3, which is to enable the tribunal to deal with cases fairly and justly. This includes dealing with the case "in ways which are proportionate to the importance of the case, the complexity of the issues, the anticipated costs and the resources of the parties and of the Tribunal." It therefore does not follow that an order for the payment of the whole of the other party's costs assessed on the standard basis will be appropriate in every case of unreasonable conduct.

30. At both the second and the third of those stages the tribunal is exercising a judicial discretion in which it is required to have regard to all relevant circumstances. The nature, seriousness and effect of the unreasonable conduct will be an important part of the material to be taken into account, but other circumstances will clearly also be relevant".

23. The Tribunal considers that the unreasonableness of the Applicant's conduct is serious which has adversely affected the progress of these proceedings. The Tribunal, however, is conscious that the application is concerned with costs wholly incurred by the First, Second and Third Respondents in relation to their unsuccessful application to remove them as Respondents. In those circumstances an order for costs would in effect require the successful party to pay the costs of the unsuccessful party. The Tribunal has also considered whether the non attendance of the Applicant at the case management hearing resulted in the First, Second and Third Respondents incurring unnecessary costs. On balance the Tribunal concludes that it did not. The costs of their attendance at the hearing was principally connected with their Application to remove themselves from the proceedings. The Tribunal is satisfied that even if the Applicant had attended the proceedings would have had to be adjourned in order to file the application and to give time for the Applicant to consider further evidence.

24. The Tribunal acknowledges that there is no requirement under rule 13(1)(b) for a causal link between the costs claimed and the unreasonable behaviour. However, in this application, the costs relate wholly to the First, Second and Third Respondents unsuccessful application, and that fact is significant when considering an order for costs.

25. **Given the above facts the Tribunal decides it is not appropriate at this stage to make an order for costs against the Applicant. The Tribunal considers that its finding that the Applicant has acted unreasonably in the conduct of these proceedings is sufficient, and that if there are recurrences of unreasonable conduct in the future which necessitates an application for unreasonable costs, the Tribunal can take into account this specific finding of unreasonable conduct.**