



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

Case reference	:	CAM/12UE/LSC/2024/0033
Property	:	Buckden Marina, Mill Road, Buckden St. Neots, Cambridgeshire PE19 5QS
Applicants	:	Victoria Browning and the other leaseholders named in the schedule to the decision dated 24 November 2025
Respondents	:	1. Aquatime Limited 2. Buckden Properties Limited
Type of application(s)	:	Application under rule 13
Tribunal	:	Judge David Wyatt

DECISION

Decision

- (1) Buckden Properties Limited (“BPL”) must by no later than **12 June 2026** pay **£310** to Victoria Browning to reimburse the tribunal fees paid by the Applicants. This order confirms the effect of the general wording in paragraph (4) of the decision made by the relevant tribunal on 24 November 2025.
- (2) The tribunal does not make any other order in respect of the costs of these proceedings.

Reasons

1. The background is described in the decisions dated 24 November 2025 (the “**Decision**”) and 6 February 2026 in these proceedings, and the other decisions (from earlier tribunal cases) referred to in them.
2. On 11 December 2025, the Applicants submitted a document which used a different form but was in substance a costs application under rule 13 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 (the “**Rules**”), alleging unreasonable conduct on the part of BPL. The tribunal gave case management directions on 6 February 2026,

providing for this to be decided and if necessary to clarify the part of the Decision which dealt with reimbursement of tribunal fees (as indicated previously, this appeared intended to be an order that BPL must pay £310 to Ms Browning to reimburse the tribunal fees she has paid for the Applicants).

3. Pursuant to the directions, Ms Browning produced a bundle of documents relied on in relation to the costs application. The Applicants seek £1,797.28 for the expenses they incurred in preparing and delivering the two sets of bundles. This matter has been allocated to me to decide as explained in the decision of 6 February 2026; the Judge who gave the Decision remains unavailable.

General law

4. As the parties are aware, the tribunal has a general discretion to order reimbursement of tribunal fees (Rule 13(2)) but save as set out in Rule 13(1)(a) it can only make an order in respect of costs if a person has acted unreasonably in bringing, defending or conducting these proceedings. The relevant law is considered in Willow Court Management Co (1985) Limited v Alexander [2016] UKUT 290 (LC) and Lea & Ors v GP Ilfracombe Management Company Limited [2024] EWCA Civ 1241.

Analysis

5. The Applicants complain of various pre-action matters. These are not themselves conduct in the proceedings, but are said to show that it was unreasonable for BPL not to be more careful and more organised during the proceedings. I note in particular that BPL had continued to demand service charges which attempted in effect to apportion more than one third of some costs to residential leaseholders (when the earlier tribunal decision indicated a general approach of one third unless a higher proportion was justified), and the allegation that BPL failed to implement corrections said to have been promised after a long meeting with leaseholders in March 2024 leading to their application to the tribunal in May 2024.
6. The Applicants argued that the conduct of BPL had been unreasonable throughout the proceedings. It is not proportionate to recite the matters complained of in detail, but I have reviewed their submissions carefully. Broadly, they complain of:
 - (a) failure to take the opportunity given in the initial directions to provide clarification of charges/accounting to narrow the issues;
 - (b) BPL producing different accounts and sets of figures over time without sufficient accuracy or clarification (it is said BPL/Mr Baizley were “obtuse”);
 - (c) production at later stages of invoices not previously disclosed, and of accounts for 2023/24 which had not been produced or clarified

in time for the Applicants to produce their case documents, causing further delay;

(d) failure to comply with directions on time, and quiet or misleading insertion of additional evidence when this had not been permitted by the relevant tribunal;

(e) attempts to mislead the tribunal; and

(f) making a hopeless application for permission to appeal based on the failure of BPL to provide sufficient resource/representation for the proceedings and the hearings and then, when this was refused, stating that BPL would apply to the Upper Tribunal for permission to appeal and then not doing so.

7. The documents provided give some support for the less serious allegations. However, the Applicants have not made a cogent case that BPL sought to mislead the tribunal or that there is enough substance in what they allege to justify the additional resources of a (third) hearing to examine and make sufficiently precise determinations about them. Generally, what has been presented to me suggests the conduct of a landlord which was or became disorganised and had not allocated sufficient management resource to a complex mixed-use site with difficult relationships, and made new mistakes (whether in their accounting/calculations or in the way they tried to send over documents) in just about everything they did.
8. BPL has put itself at risk with such conduct, including by attempting apportionments and allocations of cost it did not adequately justify despite the earlier decision. The result was that relevant matters were conceded or determined against them, but some of the service charges they had sought were payable. It appears that BPL should not have attempted to include some items/apportionments as part of the service charge costs for leaseholders in the first place, but it does seem to have agreed or conceded various items before the second hearing (although it is said there were mistakes in their concessions). At least in some cases, its own lack of organisation may have cost it dearly, because it failed to produce some invoices (for public liability insurance, for example [132-133]) and items were disallowed as a result. It appears that Mr Baizley genuinely became unwell and found it more difficult to cope with these proceedings in 2025, with others seeking to assist at some points.
9. It is not obvious from the extracts from the earlier tribunal decisions (as produced in the Applicants' bundle for this costs decision) that the same lack of resource was the problem in the earlier proceedings; the conduct of all the parties to those proceedings seems to have been unco-operative.
10. Further, it seems the Applicants did not help themselves because they did not prepare their own case documents or conduct themselves in a focussed manner. The 2025 decision observes such matters as the inadequacy of the bundles produced for the first hearing, the failure to

warn that more time would be needed for the first hearing and the continued attempts to seek matters outside the jurisdiction of the tribunal despite warnings about this in earlier case management directions [9-11].

11. I am satisfied that BPL should be ordered to reimburse the tribunal fees paid by the Applicants. They were largely successful and that was the obvious intention of the wording in the Decision. I am not satisfied that the conduct of BPL was unreasonable in the proceedings, and so I cannot make any further order in respect of costs.
12. Even if that is wrong, I am not satisfied that any order should be made in respect of costs in this case. I recognise that the disorganised conduct of BPL was at least one of the causes of the main problems described by the Applicants (that they lost more time, had to engage with several sets of complex documents and had to produce two sets of bundles to include the later documents from BPL). For that reason, and in view of their relatively modest cost claim, it might in some cases be tempting to order BPL to make a contribution towards their expenses. I do not doubt that Ms Browning and others spent an enormous amount of time on their case. However, their efforts were successful and they took up additional resources themselves, as briefly noted above.
13. Further, it appears the history of litigation about this site is that the superior landlord and different groups of leaseholders have been reluctant to focus on the purpose of the relevant tribunal proceedings, which is to determine payability of disputed service charges. Instead, it seems parties have failed to co-operate and comply with directions, produced excessive and/or late case documents/evidence and wasted the resources of the tribunal and all concerned. Accusations of fraud or other criminal behaviour (which are irrelevant, or unexplained, or not appropriate for the tribunal to attempt to decide) have been thrown around. Making a costs order in this case seems to risk encouraging such behaviour in attempts to fortify future applications for costs.
14. In any future proceedings, parties may wish to consider arrangements to reduce the burden on all concerned, enable focus on relevant matters and if appropriate enable appropriate sanctions for non-compliance. For example, the tribunal can now generally direct preparation of digital rather than hard copy bundles - or if hard copies are required it may be appropriate to direct that applicant leaseholders produce bundles of their case documents, and the respondent landlord must produce bundles of all documents they rely upon in answer.

Judge David Wyatt

21 May 2026

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.

The application for permission to appeal must arrive at the regional office within 28 days after the tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).