



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

Case reference : LON/00BG/HMG/2025/0603

Property : 123 Mellish Street, London, E14 8PJ

Applicants : (1) Elizaveta Zagarina
(2) Yoana Ivanova Pavlova
(3) Natalia Yashchenko

Representative : Represent Law Ltd.

Respondent : Ioannis Angelis

Representative : In person

Type of application : Application for a rent repayment order by tenant
Sections 40, 41, 43, & 44 of the Housing and Planning Act 2016

Tribunal : Judge Tueje
Mr Lewicki BSc(Hons) FRICS MBEng

Venue : 10 Alfred Place, London WC1E 7LR

Date of hearing: : 12th August 2025 and 28th November 2025

Date of decision : 7th August 2026

DECISION ON COSTS

Decisions of the Tribunal

- (1) The Respondent must pay £16,248.70 towards the Applicants' costs pursuant to rule 13(1)(b) of The Tribunal Procedure (First-tier Tribunal)

(Property Chamber) Rules 2013 within **14 days** of the date this decision is sent to the parties.

- (2) The Respondent's application to stay the determination of the costs application pending the outcome of his appeal to the Upper Tribunal is refused.

The Background

1. On 2nd December 2024 the Tribunal received an Application dated 30th November 2024 from the former tenants of the property situated at 123 Mellish Street, London, E14 8PJ ("the Property") made against the Respondent, the freehold owner of the Property, for a rent repayment order pursuant to section 41 of the Housing and Planning Act 2016.
2. By an order dated 20th February 2025 the Tribunal gave directions. Further case management directions were made by orders dated 3rd and 20th June 2025. The directions included the usual provision for each party to submit a statement of case, witness statements and supporting documents, with the option to the Applicants to submit a statement of case in reply. The Applicants did not submit a reply. Nonetheless, and although he was not given permission to do so, the Respondent submitted a further statement which included matters he had not previously raised (the Tribunal referred to this at paragraph 50 of the amended decision dated 2nd April 2026).
3. The final hearing began on 12th August 2025, at which the Tribunal dealt with various procedural matters raised by the Respondent, which were as follows:
 - 3.1 An application to exclude observers from the hearing;
 - 3.2 An application to exclude any documents submitted by Ms Yashchenko from 22nd June 2025 onwards;
 - 3.3 An application to exclude certain WhatsApp messages; and
 - 3.4 An application challenging the Tribunal's jurisdiction to deal with the substantive application.
4. In dealing with the Respondent's above-mentioned applications, the Tribunal considered written submissions where these were provided, and oral submissions made by the parties. We took time to consider the submissions made, including the case law authorities as regards the principle of open justice in respect of the application referred to at paragraph 3.1 above, before providing our decisions with reasons. This took a considerable period of time to deal with.
5. In respect of the Respondent's application to strike out the Application under rule 9(3)(e), instead of dealing with this as a separate application, we exercised

our case management powers under rule 6(2) and directed the parties to deal with the issue of the strength or weakness of any party's case during their closing submissions.

6. The Applicants' preparation of the hearing bundle was not entirely satisfactory because Mr Barratt sought to rely on a 279-page bundle, whereas the version of the hearing bundle the Respondent and the Tribunal had comprised 299 pages; we directed the latter version was to be used during the hearing. It also seemed Mr Barratt did not have readily available the 279-page hearing bundle, even though this was prepared by his firm. In the event, the Tribunal had to e-mail Mr Barratt the 279-page bundle so that everyone was working from the same version. This process took some time.
7. After hearing all the evidence, there was insufficient time to deal with closing submissions, we canvassed with the parties whether submissions could be dealt with in writing. Mr Barratt was content to do so, the Respondent objected to this and requested the opportunity of providing oral submissions. Therefore, the hearing was adjourned part-heard to 28th November 2025.
8. Directions dated 13th August 2025 were issued in respect of the part heard hearing, with further directions issued on 31st October 2025 requesting that the parties identify the individuals occupying the Property during 2023 to 2024.
9. On 24th November 2025 the Respondent sought permission to rely on four additional witness statements. Copies of those statements were not filed with the application. In summary, the Respondent submitted that the additional evidence related to the status and number of occupants of the subject property, whether occupation was as their only or main residence, and his status as a resident landlord. He stated that, despite his best efforts, he had been unable to adduce this evidence earlier.
10. The Tribunal refused this request for the reasons given in its order dated 26th November 2025.
11. On 30th November 2025 the Respondent applied for an anonymity order, which was refused. The Tribunal's reasons are set out in its order dated 26th January 2026.
12. The Tribunal's determination was dated 26th January 2026. Following the Respondent's application for permission to appeal the Tribunal refused the application, but reviewed its decision, and issued an amended decision dated 2nd April 2026. The Respondent made a further application for permission to appeal in respect of the amended decision; the Tribunal gave permission by a decision dated 21st May 2026 based on grounds not raised in the earlier application for permission to appeal.
13. In the interim, on 21st February 2026 the Applicants made an application for costs pursuant to rule 13(1)(b). The Tribunal gave directions in respect of that

application on 2nd April 2026 making provision for the Respondent to respond to the costs application, giving the Applicants the opportunity to reply. Although he did not have permission to do so, the Respondent sought to rely on what he described as a brief reply, comprising 46 pages.

14. On 5th June 2026, having been granted permission to appeal, the Respondent applied to the Tribunal requesting the application for costs is stayed pending the outcome of his appeal. The Tribunal has refused this request for the reasons stated at paragraph 96 below.
15. Therefore, in summary, the procedural history includes the following applications made by the Respondent:
 - 15.1 Applications dealt with on 12th August 2025 were:
 - (i) to exclude observers from the hearing;
 - (ii) to exclude Ms Yashchenko's late documents;
 - (iii) to exclude WhatsApp messages; and
 - (iv) a jurisdictional challenge.
 - 15.2 Strike-out application under rule 9(3)(e), which was dealt with as part of the parties' submissions in the case;
 - 15.3 Permission to rely on four additional witness statements dealt with in the Tribunal's order dated 26th November 2025;
 - 15.4 An application for an anonymity order sent to the Tribunal on 30th November 2025;
 - 15.5 Permission to appeal the original decision sent to the Tribunal on 19th February 2026 with an application to stay enforcement of the rent repayment order;
 - 15.6 Permission to appeal the amended decision sent to the Tribunal on 28th April 2026 with an application to stay enforcement of the rent repayment order; and
 - 15.7 An application dated 5th June 2026 for a stay of the costs application pending appeal.
16. Of the above applications, the jurisdictional challenge (which is essentially the basis on which permission to appeal the amended decision was granted), both applications to stay enforcement of the rent repayment order, and the application for permission to appeal the amended decision were successful. All other applications were refused.

The legal framework

17. As stated, the Applicants seek costs under rule 13(1)(b), which reads:

- (1) *The Tribunal may make an order in respect of costs only if*
 - (a) ...
 - (b) *a person has acted unreasonably in bringing, defending or conducting proceedings*

18. The leading authority on the application of rule 13 is found in *Willow Court Management Company (1985) Ltd v Alexander* [2016].
19. The case provided guidance on the approach to take when dealing with rule 13(1)(b) applications. Firstly, the Upper Tribunal referred to the permissive language used to demonstrate the Tribunal's discretion is engaged in these applications. Secondly, it states costs orders are exceptional (see for instance paragraph 62). This reinforces earlier guidance where the Upper Tribunal stated (at paragraph 34):

We also find support in Cancino for our view that rule 13(1)(a) and (b) should both be reserved for the clearest cases and that in every case it will be for the party claiming costs to satisfy the burden of demonstrating that the other party's conduct has been unreasonable.

20. To discharge that burden an applicant should "... identify clearly and specifically the conduct relied on as unreasonable..." (paragraph 43). In fact, the Upper Tribunal's first reason for overturning the costs order made at first instance in the *Sinclair v 231 Sussex Gardens RTM Ltd* appeal specifically, was that the management company's grounds for seeking a costs order were unparticularised.
21. In determining rule 13(1)(b) applications, the Tribunal should follow a three-stage assessment. The first stage is to consider whether there has been unreasonable conduct, which was defined citing the *Radhalgh v Horesfield* [1994] Ch 205 as follows:

"unreasonable" also means what it has been understood to mean in this context for at least half a century. The expression aptly describes conduct which is vexatious, designed to harass the other side rather than advance the resolution of the case, and it makes no difference that the conduct is the product of excessive zeal and not improper motive. But conduct cannot be described as unreasonable simply because it leads to an unsuccessful result or because other more cautious legal representatives would have acted differently. The acid test is whether the conduct permits a reasonable explanation. If so, the course adopted may be regarded as optimistic and as reflecting on a practitioner's judgement, but is not unreasonable

22. Although the above quotation refers to the conduct of legal representatives, in *Willow Court*, at the Upper Tribunal stage, it held the same test applies where a party is not legally represented, stating (at paragraph 32):

In the context of rule 13(1)(b) we consider that the fact that a party acts without legal advice is relevant at the first stage of the inquiry. When considering objectively whether a party has acted reasonably or not, the question is whether a reasonable person in the circumstances in which the party in question found themselves would have acted in the way in which that party acted. In making that assessment it would be wrong, we consider, to assume a greater degree of legal knowledge or familiarity with the procedures of the tribunal and the conduct of proceedings before it,

than is in fact possessed by the party whose conduct is under consideration. The behaviour of an unrepresented party with no legal knowledge should be judged by the standards of a reasonable person who does not have legal advice. The crucial question is always whether, in all the circumstances of the case, the party has acted unreasonably in the conduct of the proceedings.

23. During the first stage of its assessment, the Tribunal should have regard to conduct in bringing, defending or conducting proceedings. Therefore, how the parties have behaved, for instance, before the proceedings, is not relevant at this first stage. However, such conduct may be relevant during the second stage of the assessment.

24. If the criteria at the first stage of the assessment is met because the conduct is found to be unreasonable, the Upper tribunal describes the second stage as follows (see paragraph 28):

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.

25. At the second stage of the assessment, when deciding whether or not the Tribunal ought to make an order for costs, it should have regard to the following:

- 21.1 The nature of the conduct;
- 21.2 The seriousness of the conduct; and
- 21.3 The consequences of the conduct

26. At this second stage, how a party has behaved before the proceedings may be relevant.

27. It is only where the criteria at both the first and second stages are met, that the Tribunal considers what the terms of the order for costs should be, which is the third stage.

28. The Tribunal reached its decision after considering the parties' statement of case/documentary evidence, and taking into account its assessment of the evidence.

29. This determination does not refer to every matter raised or every document the Tribunal reviewed or took into account in reaching its decision. However, this doesn't imply that any points raised, or documents not specifically mentioned, were disregarded.

Applicants' submissions

30. The Applicants submit that the Respondent acted unreasonably in defending and conducting the proceedings within rule 13(1)(b), relying on the principles in *Willow Court*, *Ridehalgh v Horsefield* and *McPherson v BNP Paribas*. They contend that this is one of the clearest cases warranting a costs order and that no causal link between the unreasonable conduct and individual costs items is required.
31. They submit that the Respondent's conduct was characterised by shifting positions, meritless applications, false and misleading evidence, excessive correspondence and harassment of Ms Yashchenko, and that his unreasonable conduct contributed to increased costs of the proceedings and to the hearing extending over two days.
32. The Respondent's unsuccessful applications referred to are applications to exclude observers, exclude documents, challenge WhatsApp evidence, challenge jurisdiction, seek strike-out and otherwise challenge the conduct of the proceedings.
33. The Applicants rely on the Tribunal's findings that the Respondent falsely denied using the name "John", alleged without evidential basis that WhatsApp messages were fake, and gave fabricated evidence about a relationship with a former occupier. They contend that his principal defence—that he was a resident landlord—was knowingly false, that he relied on sham "lodger" agreements, and that he advanced the resident-landlord case after becoming aware of the licensing issue in order to strengthen his defence.
34. The Applicants also rely upon the anomalies identified in the witness statements of Sue Xue-Er Su and Nahema Ahmed, submitting that those statements were likely procured by the Respondent as part of a broader attempt to mislead the Tribunal.
35. Emphasis is placed on the Respondent's treatment of Natalia Yashchenko. The Applicants rely on the Tribunal's finding that he repeatedly contacted her in an attempt to persuade her to withdraw her claim. They submit that this harassment caused her temporary withdrawal, necessitated an application for relief from sanctions and that the Respondent unreasonably opposed that application in an attempt to obtain a litigation advantage, contrary to the principles in *Denton*.
36. The Applicants submit that the defence was not a genuine attempt to advance an arguable case but an attempt to avoid liability for a clear licensing breach which should have been admitted. They seek their full costs, said to be £15,504.70, assessed summarily on the indemnity basis. They rely on *93 Stokes Road* and *Leibel v Baird* as analogous authorities, submit that the CFA funding arrangement does not prevent recovery, and contend that the Tribunal should award costs to mark its disapproval of the Respondent's conduct, deter similar conduct from other landlords, and ensure the Applicants are not left out of pocket.

Respondent's submissions

37. In his original submissions on costs, the Respondent opposes the application and submits that it should be dismissed. He argues that the Applicants have materially overstated and expanded the Tribunal's findings, seeking to convert adverse findings in the substantive decision into broader allegations of dishonesty, causation and misconduct which the Tribunal did not itself make. He submits that rule 13 is not a costs-follow-the-event or punitive jurisdiction and should not be used to mark disapproval or deter other landlords.
38. The Respondent relies on the staged approach described in *Willow Court* and submits that the Tribunal must identify specific unreasonable conduct, decide whether any order should be made, and only then consider quantum. He submits that conduct is to be judged objectively and by reference to the standard of a reasonable litigant in person.
39. He contends that the substantive proceedings were not straightforward. The Applicants succeeded only in respect of a limited period within the pleaded claim period, and a number of genuinely disputed issues arose concerning occupancy, only or main residence, resident-landlord status and chronology. He argues that aspects of the Applicants' own evidence and occupancy chronology were rejected or not accepted, demonstrating that the case could not simply have been admitted. He also notes that one of his legal arguments succeeded, namely that breach of the Additional HMO licence conditions could not itself found an RRO because section 72(2) is not a relevant offence under the 2016 Act.
40. The Respondent disputes the Applicants' contention that he caused the need for a second hearing day. He relies on the Tribunal's procedural directions recording insufficient time for closing submissions and difficulties arising from documentation produced by both parties. He also points to the Applicants' procedural defaults, including failure to pay the hearing fee, reinstatement of the claim, non-compliance with bundle directions, late service of documents and the existence of multiple bundle versions. He submits that these matters are relevant both to discretion and to the allocation of responsibility for the way the proceedings developed.
41. The Respondent submits that unsuccessful applications are not automatically unreasonable, that the jurisdiction challenge, strike-out application and later application to vary directions all related to issues genuinely in dispute, and that the Applicants are wrong to characterise them as inherently abusive. He further submits that the Applicants have enlarged the findings regarding the "John" issue, the WhatsApp evidence and other credibility findings.
42. In relation to Ms Yashchenko, he argues that the Applicants overstate the Tribunal's findings and that independent communications with the Tribunal undermine the assertion that her withdrawal and re-engagement were

wholly caused by his conduct. He submits that *Denton* is not applicable in the way suggested by the Applicants.

43. As to quantum, the Respondent submits that the claim is fundamentally flawed because it seeks recovery of the ordinary costs of bringing a contested RRO claim rather than costs attributable to specific unreasonable conduct. He argues that the N260 is dominated by generic preparation, that the costs are disproportionate to the substantive award; that the absence of invoices and reliance on CFA funding make summary assessment unsafe; and that VAT, any success fee, uplift or additional liabilities have not been established; and attendance and travel costs are excessive and should be excluded. He submits that the Applicants should be required to identify which costs relate to which allegations of misconduct and, failing that, the application should be dismissed. Alternatively, any award should be modest, on the standard basis only, and limited to clearly identifiable costs. He also submits that a broad costs order risks double-counting conduct already reflected in the 75% RRO awarded in the substantive decision.
44. Although there was no provision in the Tribunal's directions, the Respondent submitted a reply on costs. This reiterated most of the points raised in his original submissions, in some cases expanding on the points previously raised. He also raised a number of new points such as the hearing being conducted in his second language, about the volume of correspondence (this was in connection with an issue raised by the Applicants for the first time in their reply), and he cited 8 authorities not previously referred to.
45. It may be due to the Respondent's detailed challenge regarding the amount of the costs claimed by the Applicants that they referred to the Respondent's allegedly excessive correspondence in their reply. Nonetheless, as it was a new point, the Respondent cannot be criticised for dealing with it, although he deals with it in minute detail in text and various schedules. However, we do not consider the Respondent is entitled to raise new points unless it is to address a new point to the Applicants' reply, and he provides no justification for doing so. Nor do we consider it proportionate for him to reiterate points already made, and it is not appropriate for him to elaborate on points already made, because doing so denies the Applicants an opportunity of responding to any elaboration of an existing point.

The Tribunal's decision

46. The Respondent must pay £16,248.70 towards the Applicants' costs.

Reasons for the Tribunal's Decision

Approach

47. Costs orders are exceptional and require clear justification. As the party making the costs application, the Respondent bears the burden of establishing that there is justification in this case.

48. The Tribunal has applied the three-stage approach identified in Willow Court Management Company (1985) Ltd v Alexander [2016] UKUT 290 (LC).

Conclusions and Reasons

Stage 1: Whether the Respondent acted unreasonably in defending or conducting the proceedings

Decision on Stage One

49. We find the manner in which the Respondent has conducted these proceedings was unreasonable.

Reasons

50. In summary, we have primarily taken into account the following matters when reaching our decision that the Respondent has acted unreasonably when conducting these proceedings:

50.1 The Respondent's false evidence concerning his alleged resident landlord status and relationship with an occupier.

50.2 The Respondent's harassment of Ms Yaschenko in an attempt to persuade her to discontinue her claim.

51. Those arguments raised by the parties which we have not relied on in reaching this decision are:

51.1 The fact that the proceedings were allegedly not straightforward;

51.2 The Respondent's evidence regarding use of the name "John";

51.3 The Respondent's application to exclude WhatsApp messages;

51.4 That the hearing was conducted in the Respondent's second language;

51.5 The amount of applications made by the Respondent (although this is relevant to quantum); and

51.6 The volume of correspondence from the Respondent (although this is relevant to the amount of the costs order).

52. We have elaborated on these matters at paragraphs 53 to 66 below.

53. The Tribunal has reminded itself that the jurisdiction under rule 13(1)(b) is exceptional and that unsuccessful arguments, errors of judgment, or the mere fact that a party loses all or part of its case do not automatically amount to unreasonable conduct. The Respondent was also a litigant in person, and his conduct must be assessed by the standards applicable to a reasonable litigant in person.

54. We consider there are aspects of the manner in which the Respondent conducted the proceedings that were unreasonable.

55. First, the Tribunal found in the substantive decision that the Respondent gave false evidence claiming to be a resident landlord. This was a central feature of his factual defence, because he stated, as resident landlord he was aware that the Applicants allegedly did not occupy the property as their only or main residence, and the applications should be dismissed on that basis. He also relied on that false evidence to make gratuitous comments regarding Ms Pavlova (see paragraphs 118 and 195 of the amended determination). Furthermore, he embellished this false evidence by claiming he was in a relationship with one of the tenants, and that they lived together at the property. They were matters on which the Tribunal concluded that the Respondent had given evidence that he would have known was untrue. We find giving false evidence to the Tribunal amounts to unreasonable conduct.
56. The Respondent has not provided any adequate reasons for this conduct. He seems to be describing these as adverse credibility findings based on the Tribunal preferring the Applicants' evidence to his evidence. However, we found that his evidence claiming to be a resident landlord lacked any veracity.
57. A further aspect of the unreasonable manner in which the Respondent conducted these proceedings was his repeated contact with Natalia Yashchenko in an attempt to persuade her to withdraw from the proceedings, which we found amounted to harassment. Connected to this, we also consider it unreasonable that the Respondent subsequently opposed the application to rely on Ms Yaschenko's late evidence, which became necessary when she re-engaged with the proceedings. It was the Respondent's harassment that caused or contributed to the need for this application. Whether or not he positively sought a litigation advantage, that would have been the practical effect if his opposition to the application was successful.
58. As to his reasons in respect of his harassment of Ms Yashchenko, he states she cited health as the reason for withdrawing from the claim. However, her witness statement explains the impact of the Respondent's harassment as follows:

11. During this period, my mental health deteriorated significantly. I eventually had to move back to Ukraine due to the lack of housing options. While in Ukraine, my psychological condition worsened further. I was unable to work or communicate with my employer for several weeks. When I eventually managed to make contact, I provided medical evidence of my illness (see exhibit NY-8. However, due to my inability to continue working and the approaching expiry of my visa, I had no choice but to terminate my employment contract.

12. ...

13. Throughout this difficult time, John repeatedly sent me messages demanding that I withdraw my claim (see exhibit NY-10), which only

added to my emotional distress. I was unable to respond at the time due to the state of my mental and emotional health.

59. The Respondent does not provide any reasons for his harassment of Ms Yaschenko, but seeks to deflect responsibility for this when stating that it was her health that caused her to withdraw. Irrespective of whether her temporary withdrawal was due in part to the harassment, he has not explained his harassment of her. There is no adequate explanation for falsely claiming to be a resident landlord.
60. In light of the above conduct, and taking into account that no explanation has been provided, we are satisfied that the Respondent acted unreasonably in the conduct of the proceedings within the meaning of rule 13(1)(b).
61. We do not find that the other matters relied upon by the Applicants amount to unreasonable conduct for the purposes of rule 13(1)(b).
62. For instance, we do not accept the Applicants' submission that the Respondent should have admitted the licensing breach and contested only quantum. Therefore, we do not consider he acted unreasonably in defending the proceedings. The substantive proceedings were not straightforward. The Applicants succeeded in respect of a limited part of the period claimed, and the Respondent was successful on certain issues. For instance, the Tribunal accepted his argument that breach of the Additional HMO Licence conditions did not, of itself, provide a basis for a rent repayment order. Further, although the Tribunal ultimately rejected his jurisdiction arguments, permission to appeal was granted in respect of aspects of that legal issue. We therefore do not regard the Respondent's decision to defend the proceedings as unreasonable.
63. Additionally, we do not accept the Applicant's submission that the tribunal should treat the anomalies identified in the witness statements of Sue Xue-Er Su and Nahema Ahmed, as evidence of further misconduct by the Respondent. Whilst concerns were identified in the substantive decision, the tribunal did not make any finding regarding the origin of those statements.
64. The amended decision refers to the Respondent's evidence regarding use of the name John as being evidently untruthful. Having considered those sections of the transcript, which includes part of the Respondent's evidence, we do not consider we can maintain that view. We therefore do not consider he gave false evidence on this point.
65. We reject the Applicants' submission that the Respondent's allegation that the WhatsApp messages were fake was unreasonable. Although we refused his application to exclude the messages because he provided no evidential basis to support his allegation that they were fake, we did not make any finding of dishonesty in respect of the Respondent's arguments on this point.
66. Therefore, our decision regarding the Respondent's unreasonable conduct is based on those matters set out at paragraphs 54 to 60 above.

Stage 2: Whether the Tribunal should exercise its discretion to make an order

Decision on Stage Two

67. Taking into account the circumstances in this case, we consider the threshold for making a costs order is met.

Reasons

68. In our judgment, we consider the Respondent's dishonesty justifies an award, as does his harassment of Ms Yashchenko.

69. We have taken into account that the Respondent was a litigant in person, but nonetheless consider that, when assessed against how a reasonable litigant in person would act, we do not consider they would provide false evidence or harass another party.

70. We accept a party may give inaccurate evidence if they are mistaken or misremember certain matters. However, our finding was that the Respondent knowingly gave false evidence that he lived at the Property, including cohabiting (albeit, on his account briefly) with an occupier. That is serious misconduct, the consequences of which were that false evidence was given to the Tribunal.

71. We find harassment of a party seeking to persuade them to discontinue proceedings to be serious. We also find that the consequences of this misconduct was serious too. Ms Yashchenko, who was already experiencing psychological distress, did temporarily disengage from the proceedings and stopped providing instructions to her solicitors. We find the added stress of the Respondent's harassment and temporarily disengaging from the proceedings to be the consequences of the Respondent's serious misconduct. This resulted in her evidence being admitted late, and we note the Respondent objected to an extension of time for Ms Yashchenko's evidence to be admitted even though his conduct had caused or at least contributed to that situation.

72. We reject the Applicants' submissions that costs should be awarded to deter other landlords, and we therefore accept the Respondent's contrary submission on this point. We also accept his submission that rule 13 is not intended to be punitive. Our decision is not designed to punish the Respondent or to make an example of him.

73. We have had regard to the Respondent's submissions regarding the Applicants' procedural failings, for instance not paying the hearing fee when it was due, and the preparation and service of hearing bundles. However, we do not consider those failures are sufficiently serious to justify refusing a costs order. Rather, they are matters which may be relevant when the amount of any award is considered.

74. The Respondent did not have permission to submit a reply to the Applicants' reply, but he nonetheless did so. We disapprove of this, for a number of reasons. Firstly, in respect of the substantive application he submitted a second witness statement in reply, which he did not have permission to rely on, and raised new matters in that statement which Ms Yashchenko in particular, did not have an opportunity to deal with. Notwithstanding our reference to this in the amended decision (see paragraph 50 of the amended decision), the Respondent has done the same thing here. He has submitted, what he described as a "brief reply" even though it comprises 46 pages. It largely reiterates or elaborates on arguments already raised. However, the fact that he submitted a reply has not been taken into account when exercising our discretion, although we refer to it because he raised a new point in the reply which we consider it is appropriate to deal with.
75. That new point raised in the Respondent's reply is that the hearing was conducted in the Respondent's second language. It is unclear what significance if any this comment has. The Respondent spoke fluently, understood all that was said, and none of his multiple applications requested an interpreter, nor was one requested at any of the hearings. Even though the Respondent did not request one, if we had considered the Respondent should have an interpreter we would have arranged for one. But having observed the Respondent during both hearings, we are satisfied that language played no part in his conduct of the proceedings. Although it only deals with part of the hearing on 12th August 2025 the transcript obtained by the Respondent also displays no evidence of any language difficulties. In his closing submissions he sought to explain his responses to cross examination as being placed under stress and that Mr Barratt had cross examined him aggressively. While we did not accept that latter complaint, we note that these reasons did not mention any language difficulties. Notwithstanding the timing of the Respondent raising language only at the point of dealing with costs, having now raised it, the Respondent does not refer to any difficulties with understanding the proceedings or expressing himself within them. Therefore, as stated, the relevance of this comment is unclear. We cannot take this into account because we do not understand its relevance, but as far as we can ascertain, language was not an issue.
76. Another new point raised in the Respondent's reply, which he may arguably have been justified in raising was that the Applicants' further submissions state the volume of his communications with the Tribunal was unreasonable conduct. Indeed, at the Tribunal's request, on 9th March 2026 and 11th May 2026 the case officer wrote to the parties about the volume of correspondence from the Respondent. Neither the Respondent's reply, nor our disapproval of it, has not been taken into account when deciding whether to exercise our discretion to award costs. However, we have addressed it because some of the points it raises, in particular the Respondent's second language and the amount of correspondence, are addressed in this decision. That said, we do not take either of these points into account when deciding whether to exercise our discretion about whether to make an order for costs; but the latter is taken into account when deciding on the amount of the costs order.

77. Therefore, in exercising our discretion we have taken into account that we found some aspects of the Respondent's evidence to be dishonest and that he harassed Ms Yaschenko to try to prevent her from continuing to pursue her application against him. The other matters raised have not been taken into account at stage two.

Stage 3: The terms of the order

Decision

78. The Respondent must pay £16,248.70 towards the Applicants' costs.

Reasons

79. When assessing the amount of the costs order, we have taken the following matters into account:

- 79.1 The costs relate to three applicants;
- 79.2 The volume of correspondence from the Respondent;
- 79.3 The number of applications made by the Respondent; and
- 79.4 The fact that the hearing lasted approximately 1.5 days.

80. The following matters have been excluded from our assessment of the quantum:

- 80.1 The costs associated with reinstatement of the substantive application as a result of the Applicants' failure to pay the hearing fee; and
- 80.2 The costs associated with preparation of multiple hearing bundles (see paragraph 6 above).

81. It is a summary assessment of costs, which is intended to be a proportionate assessment, which consequently tends to be a broad-brush assessment. The Applicants have stated the amount of costs being claimed, and have provided a breakdown on the standard form N260. That is ordinarily sufficient for a summary assessment, and we consider it adequately particularises the costs being claimed in this case. Some of the additional information which the Respondent requests in his submissions regarding the amount of costs being claimed is inconsistent with a summary assessment and more akin to a detailed assessment of costs, which is not what is being undertaken here.

82. Additionally, the Respondent states the Applicants have failed to identify which costs are a consequence of the unreasonable conduct relied on. However, this is not a wasted costs application. Under rule 13(1)(b) there is no universal requirement to establish a causal relationship between the misconduct and costs being claimed.

83. As to whether VAT is payable on the costs, we consider that as a firm regulated by the Solicitors' Regulation Authority, the Applicants' representatives would not seek to recover VAT unless they were VAT

registered, and we have been provided with no grounds for believing otherwise.

84. As to whether the costs include success fees, uplift or ATE premiums, the schedule of costs shows that the fees claimed are based on the relevant fee earners' hourly rate for the work done. Therefore, again we have no reason to believe any impermissible fees or premiums are included in the sums recovered.
85. We do not consider it is appropriate to assess costs on an indemnity basis: it is exceptional to make an order for costs, and while this case crosses that threshold, it is rarer still to award costs on an indemnity basis. We do not consider this case is so exceptional as to justify doing so.
86. Broadly speaking, we consider the amount claimed is proportionate, taking into account that there are three applicants who were represented, their tenancies covered different periods, who consequently relied on different documentary evidence. Although ultimately a rent repayment order was made for the same period for all three applicants, their applications related to different periods. In addition to this, the hearing was conducted over 1.5 days, the amount of correspondence and applications that the Applicants' representatives have had to deal with.
87. Our primary consideration when assessing proportionality is in respect of the work done. In the particular circumstances of this case, we consider that should outweigh the amount of the RRO, which we accept is less than the costs being claimed. We also take into account that an order under rule 13(1)(b) is about the conduct of the parties, not necessarily about whether a party has won or lost. It means that even though the Applicants have only succeeded in obtaining a rent repayment order for a limited part of the period claimed, that is not the primary consideration.
88. As stated, we consider what is more relevant in this case to the terms of the costs order is the amount of work actually done, which includes dealing with extensive correspondence from the Respondent, and multiple applications made by the Respondent. In our judgment, the amount of the costs claimed reflects these matters. The level of correspondence from the Respondent was such that the Tribunal wrote to him twice about this, warning him of the impact it would have on the costs incurred, and so he was aware of the consequences.
89. When assessing the amount, we have been careful to ensure there is no double recovery. In particular, when assessing the amount of the rent repayment order, we took into account the Respondent's harassment of Ms Yashchenko. We have also taken that harassment into account when deciding the Respondent has acted unreasonably, which on its own does not amount to double recovery.
90. However, we also consider that the need to apply to admit Ms Yashchenko's evidence late did incur costs, and so we must be careful to ensure there is no

double recovery in that respect if those costs are reflected in the costs order made. In our judgment, and while it is not always necessary to establish a direct causal relationship between misconduct and costs incurred, we consider that the fact that the Respondent's conduct resulted in the cost of applying for an extension of time, particularly considering the Respondent opposed that application, which would have impacted on costs, not least to consider his representations, that justifies reflecting these costs in the order made. The alternative would be to make a costs order but deduct an amount for the work involved in applying for an extension, but that would result in the Applicants' being liable for costs arising from the Respondent's misconduct and his opposition to Ms Yashchenko's request to address the effects of his misconduct by her application for an extension of time. We do not consider that alternative is an appropriate way to address the costs of applying to admit Ms Yaschenko's late evidence.

91. As to the Respondent's applications, most, but not all, were unsuccessful. (the applications made and their outcome are set out at paragraphs 3.1 to 14 above). For instance, we acknowledge that the Respondent's applications and communications to stay enforcement of the substantive decision pending the outcome of his appeal and his second application for permission to appeal were justified, notwithstanding that there was a considerable amount of communication sent, sometimes multiple times, including in a single day. In the same way that, when assessing whether conduct is unreasonable, according to *Radhalgh* "... it makes no difference that the conduct is the product of excessive zeal and not improper motive." We consider this should apply when considering the terms of the order. Therefore, irrespective of whether the Respondent's correspondence and application are the result of excessive zeal, the fact that they will increase the costs incurred should be reflected in the amount of the costs order.
92. The Respondent's most recent applications, being an application sent on 19th May 2026 for permission to rely on his reply to the Applicants' reply on costs and application of 5th June 2026 to stay the costs application pending the outcome of the Upper Tribunal appeal are unlikely to have any impact on the amount of costs claimed by the Applicants because the N260 schedule of costs pre-dates those applications.
93. Taking all of these matters into account, and applying a reduction to reflect the likely costs of the application to reinstate proceedings and preparing multiple hearing bundles, we consider a £600 (or £720 including VAT) deduction should be applied to the total amount of costs being claimed. This is based on our assessment that it is likely to have taken around 3 hours to deal with these (we note the application for an extension of time was very brief).
94. This would reduce the costs order to £16,248.70 inclusive of VAT.

The Respondent's Application to Stay the Costs Application

95. As stated, the Respondent applied to stay the costs application pending determination of his application for permission to appeal.

96. That application is refused. The criteria applied when determining the costs application is based on the manner in which the Respondent has conducted these proceedings, it is not based on whether the substantive application was successful. The outcome of the appeal will not alter the manner in which the Respondent conducted these proceedings, consequently, an outstanding appeal is not grounds to delay determination of the application.

Name: Judge Tueje

Date: 7th August 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).