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FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case reference	:	**LON/00AW/LSC/2018/0231**
Property	:	**Flat 9, 54 Hogarth Road, London SW5 0PX**
Applicant	:	**Raymond Stone**
Representative	:	**Self**
Respondent	:	**54 Hogarth Road London SW5 Management Limited**
Representative	:	**SLC Solicitors**
Type of application	:	**Rule 13 Costs**
Tribunal members	:	**Judge Hargreaves** **Hugh Geddes**
Date and venue of hearing	:	**10 Alfred Place, London WC1E 7LR** **7th November 2018**
Date of decision	:	**7th November 2018**

DECISION

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DECISION

The Applicant must pay the Respondent's costs of the application assessed in the sum of £1561.20 by 5pm 22nd November 2018.

REASONS

1. This is a paradigm example of a case where Rule 13 costs should be awarded. The Applicant's conduct as a litigant in bringing this application was undoubtedly unreasonable. That passes the first threshold test in *Willow Court Management* (a decision with which the Applicant is familiar and therefore requires no further explanation). That is clear from the reasons given by Judge Andrew for the Rule 9 notice he issued after a case management hearing (which the Applicant did not attend) on 25th July 2018. That hearing had been attended by the Respondent's solicitor. Notably, in referring in paragraph 2 of his decision relating to previous unsuccessful applications brought by the Applicant, Judge Andrew was only referring to more recent applications, and not giving a full list. The Applicant has a background of being a serial litigator in relation to these premises. See, for example, LON/00AW/LSC/2015/0467 and 0479, decision dated 5th April 2016.

2. That alone, we stress, does not always or necessarily justify a Rule 13 costs order. However, in paragraphs 6 and 7 of his reasons, Judge Andrew explains the basis for his conclusion that the Applicant's application in this case amounted to an abuse of the process of the Tribunal and that it should be struck out: that compelling reasoning was not challenged by the Applicant. His application was therefore struck out by the Tribunal on 3rd September 2018. He has not challenged that final order. Where an application is struck out for the reasons given by Judge Andrew, it is hard to see how it could be seriously argued that the Applicant's litigation conduct was not unreasonable.

3. The Respondent applied for costs on 30th August. Directions were issued in relation to costs on 3rd September. The Respondent has complied with those directions (incurring further costs) and served its response and supporting information on the Applicant. The Applicant has not participated in response, having had until 28th September 2018 to do so. There is no good reason in this case to delay dealing with costs any longer. The failure to respond on costs is arguably in itself unreasonable, demonstrating, as the Respondents contends, a "lack of engagement" with the process.

4. In addition to Judge Andrew's reasoning, the Respondent submits (reasons set out in full on 13th September 2018) that the Applicant failed to indicate that he was going to issue this application, that it was wholly without merit, that he never outlined what his precise dispute was with the (estimated) costs of works, that he failed to engage with

the process, and that he failed to copy correspondence to the Tribunal to the Respondent. Cumulatively these actions and omissions amount to unreasonable behaviour in this case. That the Respondent is a litigant in person is beside the point in this case: the conduct is unreasonable on any view. We do not therefore even have to decide whether what the Respondent describes as the "wider conduct of the Applicant" in paragraphs 13-20 of their submissions are in fact justified: whilst the Applicant clearly has "history" against the Respondent, we conclude that his litigation conduct in this application falls so far short of any reasonable standard that it merits a Rule 13 costs order. He could, as the Respondent makes clear, have withdrawn earlier on receipt of a letter from the Respondent dated 5th July, but chose not to, thereby making the Respondent incur costs.

5. As to the second stage of *Willow Court Management*, this is clearly a case where, on the basis of the above, costs should be ordered to be paid by the Applicant. They will be paid on the standard basis to be summarily assessed, as follows.

6. We have considered the amount of costs claimed, dealing with the third stage. The sum of £1210.80 is evidenced by 2 SLC invoices to the Respondent dated 27th July 2018 and 11th September 2018. That covers proceedings up to and including the CMC. Responding to the directions to file Rule 13 costs submissions in full incurred a further £350.40 inclusive of VAT. Both in terms of hourly rates charged for respective fee earners (within guideline rates) and the amount of work done, the charges are reasonable and appropriate and are therefore awarded as claimed. Again, the Applicant has taken no point at all on the costs claim either in terms of liability or quantum. It follows that £1561.20 is the sum he must pay within fourteen days.

Judge Hargreaves
Hugh Geddes
7th November 2018