



3090

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

**Case Reference** : **LON/00BE/OLR/2014/1374**

**Property** : **7 Maltby House, Maltby Street,  
London SE1 3PD**

**Applicant** : **Natalie Elizabeth Trist**

**Representative** : **Mr Ian Mitchell of Anthony Gold  
Solicitors**

**Respondent** : **Gateway Property Holdings  
Limited**

**Representative** : **Mr Ben day-Marr MIRPM of  
Gateway Property Management  
Limited**

**Type of Application** : **Lease extension**

**Tribunal Members** : **Judge Tagliavini  
Mr R Shaw FRICS**

**Date and venue of  
hearing** : **10 Alfred Place, London WC1E 7LR  
27 January 2015**

**Date of Decision** : **27 January 2015**

---

**Decision**

---

Upon the request of the parties the tribunal makes a consent order under rule 35 of The Tribunal Procedure (First-tier) Tribunal) (Property Chamber) Rules 2013 disposing of the proceedings in the terms of the agreement attached.

Prior to reaching this agreement Mr Day-Marr had made a request for an adjournment on the basis that the Applicant had failed to comply with the tribunal's directions and documents had been late in being provided to him. Consequently, Mr Day-Marr required time to consider the documents and, if necessary, take his client's instructions. The Applicant opposed this application, on the basis that the documents had been made available to Mr Day-Marr in reasonable time, and that he was unreasonably seeking to delay a determination of the application.

### **The tribunal's decisions and reasons**

The tribunal is satisfied that despite there not being strict compliance with the tribunal's directions, Mr Day-Marr has been in receipt of the Applicant's valuation report for a sufficient period of time in which to take instructions. Further, on Mr Day-Marr's own admission, the Applicant's hearing bundle contained no new documents, which took him by surprise. Therefore, the tribunal determined that the application could properly proceed but in order to avoid any unfairness to Mr Day-Marr, a short adjournment would be allowed after the conclusion of the Applicant's evidence in order to allow him to consider any questions he would like to ask in cross-examination. Therefore, the application for a postponement was refused.

The parties having agreed the substantive matters as reflected in the Consent Order attached, Mr Mitchell for the Applicant made an application for costs pursuant to rule 13 of the 2013 Rules. Mr Mitchell asserted that Mr Day-Marr's conduct had been vexatious as he had failed to engage in (settlement) discussions with the Applicant and had sought to have the hearing adjourned only to agree terms immediately it was refused. Mr Day-Marr sought to assert that he had been compliant with the directions and it was the Applicant's representatives who were being obstructive and therefore he opposed this application.

The tribunal determined that due to an unfortunate breakdown in the relationship between the parties' representatives any willingness to negotiate or hold discussions was diminished. However, the tribunal does not regard a party's unwillingness to discuss or negotiate prior to a hearing as vexatious, nor can the last minute nature of the settlement be so regarded, which in the tribunal's experience happens not infrequently. The tribunal does not regard the Respondent's conduct to have impeded the Applicant in bringing this application to the tribunal, and therefore does not regard a reluctance to negotiate and reach an earlier settlement as amounting to vexatious conduct in the circumstances of this application. Therefore the application for costs is refused.

Signed: Judge Tagliavini

Dated: 27 January 2015

7 Maltby House, Maltby Street, London, SE1 3PD

The premium for the lease extension on the above property has been agreed between the parties at the First-tier Tribunal hearing ~~the~~ on 27 January 2015 at ~~£7,300~~ <sup>£7,290</sup> (Seven Thousand <sup>Two</sup> ~~Three~~ Hundred and Ninety Pounds) for an extension on the Statutory terms provided by the Leasehold Reform Housing & Urban Development Act 1993, as amended.

Signed: D. Robinson

27/01/15

Valuer for Applicant

[Signature]

Solicitor for Applicant

[Signature]

Representative for Respondent

Applicant

Miss Natalie Elizabeth Trist

Respondent

Gateway Property Holdings Limited