

Y TRIBIWNLYS EIDDO PRESWYL

RESIDENTIAL PROPERTY TRIBUNAL

LEASEHOLD VALUATION TRIBUNAL

Reference: LVT/0001/04/25

In the Matter of Flat 2 Williams Court, 93 William Street, Ystrad, CF41 7QY

In the matter of an application under Section 168(4) of the Commonhold and Leasehold Reform Act 2002

APPLICANT: Sunil Singh – Woods Estate LTD

RESPONDENTS: Elizabeth Gay

COSTS ORDER

1. On 7th April 2025, the Applicant made an application to the Tribunal under s.168(4) of the Commonhold and Leasehold Reform Act 2002, against the Respondent.
2. On 29th September 2025, the Applicant withdrew their application. It is noted that this was done after the Respondent had filed her evidence, in compliance with the Directions, on 24th September 2025.
3. On 13th October 2025, the Tribunal received a cost application from Jacklyn Dawson Solicitors, made on behalf of their client who is the Respondent. Attached to the letter is a cost schedule, with the total costs incurred by the Respondent being £1012.50.
4. The application is made under Paragraph 12 of Schedule 13 of the Housing Act 2004, noting that the Tribunal can order a maximum of £500. The Respondent's position is that the costs could have been avoided as the Applicant had no grounds to commence the proceedings as the ground rent and service charge had already been paid. They also state that the Applicant failed to respond to the Tribunal's letter of the 31st July within time.
5. On 27th October 2025, I issued further directions, requesting that the Applicant serve any written submissions regarding the application for costs, by 10th November 2025. The Tribunal has not received any such submissions or any further correspondence from the Applicant.
6. Turning to the powers of this Tribunal to make a cost order under Paragraph 12 of Schedule 13 of the Housing Act 2004, in particular paragraph 12(2) which sets out the circumstances in which an order can be made.
7. It is my opinion that the only circumstance that can be properly relied on by the Respondent is Paragraph 12(2)(d) which states:

The circumstances are where:

He has, in the opinion of the tribunal, acted frivolously, vexatiously, abusively, disruptively or otherwise unreasonably in connection with the proceedings.

8. In particular whether the Applicant has acted frivolously. It is my view that these proceedings could have been avoided. Within the bundle are emails between the Applicant and the tenant at Flat 3 of the premises. An email dated 21st February 2025, confirms that the ground rent and service charge monies had been paid to the Applicant, in respect of Flat 2.
9. The Applicant further states that as part of the application that the flat is in a state of disrepair, no evidence has been provided of this.
10. I'm in agreement with the representations advanced on behalf of the Respondent, in that these proceedings were without merit. It is my view that the Respondent has acted frivolously and the Respondent should receive the maximum I can award which is £500.
11. I award the maximum amount as I have considered the cost schedule, which is fair and reasonable. The Applicant has not provided any representations in respect of this application opposing the application or disputing the level of costs.

It is Ordered:

1. That the **Applicant** pay the **Respondent** costs in the sum of £500, within 28 days of this order i.e by no later than 29th December 2025

DATED this 1st day of December 2025



Judge K Byrne

Vice President of the Residential Property Tribunal for Wales