

LANDS TRIBUNAL FOR NORTHERN IRELAND
LANDS TRIBUNAL & COMPENSATION ACT (NORTHERN IRELAND) 1964
BUSINESS TENANCIES (NORTHERN IRELAND) ORDER 1996

IN THE MATTER OF AN APPLICATION FOR COSTS

BT/33/2011

BETWEEN

SAMUEL STRANAGHAN & MICHAEL SIMPSON – APPLICANTS/TENANTS

AND

IRIS MAY TOWNSLEY – RESPONDENT/LANDLORD

Re: 1a Castle Street/1 High Street, Carrickfergus

PART IV

Lands Tribunal - Henry M Spence MRICS Dip.Rating IRRV (Hons)

Background

1. By a decision made on 25th April 2012 (“the Part I hearing”) the Tribunal decided that the respondent had unsuccessfully opposed the grant of a new lease to the applicants. By a further decision made on 14th June 2013 (“the Part II hearing”) the Tribunal decided that a mutual option to break should not be exercisable earlier than 1st November 2015.
2. The applicants subsequently sought their costs for the Part I and Part II hearings. By a decision dated 7th April 2014 the Tribunal awarded the applicants their costs in the Part I hearing and made no award as to costs for the Part II hearing.
3. The parties have been unable to agree the amount of legal costs for the Part I hearing and this is the issue to be determined by the Tribunal.

Procedural Matters

4. The matter was dealt with by way of written submissions. Cathy Devlin of Comerton & Hill, solicitors, provided a written submission on behalf of the applicants. Mr Tom Townsley provided a written submission on behalf of the respondent.

Position of the Parties

5. Ms Devlin advised the Tribunal that the applicants’ bill of costs had been prepared by a Cost Drawer and in her opinion the outlay claimed, £9,713 plus VAT of £1,773, was necessary and proportionate.

6. Mr Townsley disagreed with the amount being claimed by the applicants as the amount being charged by his legal representative was only £6,500.

Statute

7. Rule 33(1) of the Lands Tribunal Rules (Northern Ireland) 1976 provides:
“33.—(1) Except in so far as section 5(1), (2) or (3) of the Acquisition of Land (Assessment of Compensation) Act 1919 applies and subject to paragraph (3) the costs of and incidental to any proceedings shall be in the discretion of the Tribunal, or the President in matters within his jurisdiction as President.”

Discussion

8. The legal costs consultant to the applicants had submitted a detailed and itemised bill of costs on their behalf. Mr Townsley did not dispute any of the individual items of costs, rather he considered the total amount to be excessive in relation to the respondent's legal costs of £6,500. Ms Devlin noted the respondent's comments in relation to costs but as she did not have sight of the respondent's itemised bill she was unable to ascertain how the bill was calculated, whether it included VAT and the extent of the work carried out by the respondent's solicitors. She considered the applicants' bill to be reasonable and proportionate.

Conclusion

9. The applicants' solicitors fees had been charged at £100 per hour which the Tribunal considers to be reasonable. The Tribunal has scrutinised the applicants' bill of costs in detail and finds the total amount charged, £9,713 plus VAT, to be reasonable in all the circumstances. The respondent had not submitted any evidence to the contrary.
10. The Tribunal awards the applicants their costs of £9,713 plus VAT.

ORDERS ACCORDINGLY

5th August 2015

**Henry M Spence MRICS Dip.Rating IRRV (Hons)
LANDS TRIBUNAL FOR NORTHERN IRELAND**