

LANDS TRIBUNAL FOR NORTHERN IRELAND
LANDS TRIBUNAL AND COMPENSATION ACT (NORTHERN IRELAND) 1964
LANDS TRIBUNAL RULES (NORTHERN IRELAND) 1976
BUSINESS TENANCIES (NORTHERN IRELAND) ORDER 1996

IN THE MATTER OF COSTS

BT/150/2023

BETWEEN

ERIC KEARNS – APPLICANT/TENANT

AND

ANN O'HARE – RESPONDENT/LANDLORD

PART 2 - COSTS

Re: 9 Newry Road, Camlough, Newry

Lands Tribunal – Henry Spence MRICS Dip Rating IRRV (Hons)

Background

1. By a previous decision in April 2025 the Tribunal awarded Ms Ann O'Hare ("the respondent") her costs in the reference following the withdrawal from the proceedings of Mr Eric Kearns ("the applicant").
2. At the request of the Tribunal the respondent submitted a detailed and itemised claim for costs which totalled £4,020.69.

Submissions

3. Regarding those costs Ms Claire Crutchley of King & Gowdy solicitors submitted on behalf of the applicant:
 - (i) The first four entries totalling £516.66 plus VAT all predate the proceedings which were served by the applicant in respect of the subject reference. They should not, therefore, be included in the respondent's claim for costs.

- (ii) The itemised bill of costs also refers to arrears of rent and interest on same. Those are not matters pertaining to the respondent's costs in respect of the Lands Tribunal application. In the event that there are arrears of rent due then those should be pursued in the appropriate manner. The matter before the Lands Tribunal did not relate to arrears of rent.
- (iii) The hourly rate of £200 seems to be high for a matter before the Lands Tribunal. We submit that a lower hourly rate of £100 plus VAT would be more appropriate for an assessment of costs in respect of this matter.

4. On behalf of the respondent Tiernans solicitors submitted:

- (i) The applicant refused to leave the premises on foot of a note to do so and we submit that we are entitled to pre-proceedings costs.
- (ii) We believe that the Lands Tribunal can award arrears of rent and interest. The matter of arrears of rent was raised in our Statement of Facts which was furnished to the applicant's solicitors and to the Lands Tribunal.
- (iii) We would respectfully state that our fee of £200 per hour is justified, as this was a difficult matter where counsel was briefed and legal submissions were made.

The Tribunal

5. The Tribunal concludes:

- (i) The Tribunal declines to award costs prior to its involvement in the proceedings as it had no knowledge of any matter that predated those proceedings.
- (ii) The Tribunal has no statutory authority to award arrears of rent.
- (iii) The hourly rate of £200 plus VAT seems reasonable in all the circumstances.

6. The Tribunal now invites the respondent to resubmit its itemised costs omitting pre-proceedings costs and claim for rent arrears.

13th June 2025

**Henry Spence MRICS Dip.Rating IRRV (Hons)
Lands Tribunal for Northern Ireland**