

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

IN THE MATTER OF AN APPLICATION

BT/5/2006

BETWEEN

JUDE OFFODUM & ALICIA WHELAN – APPLICANTS

AND

NORTHERN IRELAND HOUSING EXECUTIVE – RESPONDENT

Premises: 121 Andersonstown Road, Belfast

COSTS

Written submissions

Lands Tribunal – Michael R Curry FRICS IRRV MCI.Arb Hon.FIAVI

1. The applicants sought a new tenancy by way of a Tenancy Application on 2nd February 2006. The only substantive issue was the new rent. In the Notice to Determine, the Housing Executive had proposed a new rent of £17,500 pa; in their Tenancy Application the applicants had proposed £11,000 pa. By the 19th November 2006 the new rent had been agreed at £15,000 pa. This was no fault litigation and neither side claimed to have won. But the Housing Executive complained about one aspect of the conduct of the applicants - the relevant documentation and payment of rent etc was not completed until the end of June 2007. The Housing Executive is seeking some of its costs.

2. The applicants are a partnership and practice as estate agents but Mr Offodum had been seriously ill. Having regard to his incapacity the Housing Executive is claiming only for its solicitor's attendances at the Tribunal after the rent was agreed (four occasions) and letters and untimed telephone calls. The detail of the claim is not disputed.

3. The Tribunal accepts that there has been undue delay and the claim is reasonable. The Tribunal therefore awards £588.00 plus VAT (as claimed).

ORDERS ACCORDINGLY

29th October 2007

**Michael R Curry FRICS IRRV MCI.Arb Hon.FIAVI
LANDS TRIBUNAL FOR NORTHERN IRELAND**

Appearances

Jillian Egner of L'Estrange & Brett, solicitors appeared for the Applicants

Nigel Kerr of Cunningham & Dickey, solicitors appeared for the Respondent.