

**LANDS TRIBUNAL FOR NORTHERN IRELAND**  
**LANDS TRIBUNAL AND COMPENSATION ACT (NORTHERN IRELAND) 1964**  
**PROPERTY (NORTHERN IRELAND) ORDER 1978**

**IN THE MATTER OF A REFERENCE**

**R/86/2007**

**BETWEEN**

**PATRICIA FRANCIS HUNT AND HAMPTON PROPERTIES LIMITED – APPLICANTS**

**AND**

**THE TRUSTEES OF BELVOIR GOLF CLUB – RESPONDENTS**

**Re: 79-81 Church Road, Newtownbreda, Belfast**

**PART III - COSTS**

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

**Background**

1. The applicants had referred to this Tribunal for modification or extinguishment of a covenant so as to permit building close to the boundary of the respondents' golf course. By a decision dated 24<sup>th</sup> January 2013 the Tribunal refused their application.
2. The only remaining issue was the amount of costs being sought by the respondents' expert witness. Having considered written submissions from both parties the Tribunal awarded the respondents' their expert witness costs in full. The issue now is a claim for costs ("costs on costs") incurred by the respondents in their application for the costs awarded ("the award on costs").
3. The Tribunal received written submissions from Mr Bill McCann (applicants) and Mr Shaun Jemphrey (respondents) the solicitors for the parties.

**Position of the Parties**

4. The respondents sought solicitors costs based on 14.4 hours at £200 per hour. The applicants considered this level of costs to be excessive in the circumstances of the case.

## Discussion

5. The elements of the costs claimed were:

### Work undertaken

- Review of experts file 1 hour
- Preparation of submission made on 4<sup>th</sup> February 2014 1½ hours
- Preparation of further submission made on 12<sup>th</sup> April 2014 2 hours
- Preparation of the final submission made on 16<sup>th</sup> June 2014 ½ hour

### Consultations

- Joint consultation at High Court - 25<sup>th</sup> June 2013 1 hour

### Attendance at Court

- Attendance at mentions on 3 occurrences – 20<sup>th</sup> July 2013  
21<sup>st</sup> June 2013 and 24<sup>th</sup> June 2014 1½ hours

### Phone Calls

170 minutes

### Correspondence

- 36 letters 216 minutes

### Attendance upon Clients

- Meeting with applicants – 8<sup>th</sup> October 2013 ½ hour

TOTAL 866 minutes

14.4 hours

6. Mr Jemphrey considered that an hourly rate of £200 was reasonable in all the circumstances.

7. Mr McCann considered the respondents' costs to be excessive and suggested that 7 hours at £175 per hour was more appropriate.

8. The Tribunal has a power to make an award for costs on costs. In the award on costs the Tribunal found in favour of the respondents and in principle, therefore, the respondents are entitled to recover costs on costs. Costs generally, however, should be pursued with the greatest economy. The Tribunal accepts that the time spent on itemised attendances was reasonable but the Tribunal considers that an abatement of the time spent on phone calls (170 minutes) and letters (216 minutes) is justified. The Tribunal concludes that a total "time spent" of 11 hours would be appropriate.

9. With regard to the hourly rate claimed of £200 the Tribunal considers this to be high in the circumstances of a “costs” case which did not raise any difficult legal issues. The Tribunal considers the hourly rate of £175, as proposed by Mr McCann, to be more proportionate and reasonable.

**Conclusion**

10. The Tribunal therefore concludes that the respondents’ reasonable costs are:

11 hours at £175 per hour = £1,925 plus VAT

11. The Tribunal awards a lump sum of £1,925 plus VAT.

**ORDERS ACCORDINGLY**

**28<sup>th</sup> October 2014**

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