

LANDS TRIBUNAL FOR NORTHERN IRELAND
LANDS TRIBUNAL & COMPENSATION ACT (NORTHERN IRELAND) 1964
LAND COMPENSATION (NORTHERN IRELAND) ORDER 1982

IN THE MATTER OF COSTS

R/48/2004

BETWEEN

MARK MULHOLLAND – APPLICANT

AND

NORTHERN IRELAND HOUSING EXECUTIVE – RESPONDENT

Re: 22 Gainsborough Drive, Belfast

PART 2

Lands Tribunal - Mr M R Curry FRICS IRRV MCI.Arb Hon.FIAVI

Written Submissions

1. This is a claim for costs following the Part 1 decision 24th October 2005.
2. Mr Mark Mulholland appeared in person. Mr Harry Lester appeared by leave of the Tribunal, instructed by the Northern Ireland Housing Executive.
3. Mr Lester accepted that Mr Mulholland was entitled to recover his costs.
4. Mr Mulholland claimed as follows:
 - a. Time at meetings 10 hrs 30 mins
 - b. Time preparing for meetings 6 hrs
 - c. Travel time 4 hrs 30 mins
 - d. Research and telephone time 12 hrs

He also further claimed 4 hours as time spent in preparing for and attending a review on 17th January 2007 to determine a procedural approach to this issue of costs. Therefore the total time claimed is 37 hours.

5. He claimed £40 in parking charges and £80 for phone charges and miscellaneous expenses.
6. In response Mr Lester suggested:
 - a. Time at meetings 6 hrs
 - b. Preparation for meetings 6 hrs (as claimed)
 - c. Travel 4 hrs 30 mins (as claimed)
 - d. Research and telephone time 7 hrs 30 mins
7. In connection with the review on 17th January 2007 he suggested 1 hour. The total time he suggested therefore was 25 hours.
8. As Mr Mulholland had not vouched for his expenditure on car parking Mr Lester based an estimate on parking at a nearby multi-storey car park and suggested £19.80 for parking. Again as telephone calls had not been vouched he suggested a reasonable amount would be £6.40.
9. Mr Mulholland claimed an hourly rate of £75 per hour. Mr Lester suggested that as the applicant is a personal litigant he was limited to recovering two thirds of the sum which would have been allowed for that item if the litigant had been represented by a solicitor. He said that as the Taxing Master currently allows solicitors an hourly rate of £85 therefore he was limited to recovering two thirds of that amount ie £56.
10. The Tribunal prefers Mr Lester's suggestion for the time spent at meetings and therefore adopts 7 hours. In regard to research and telephone time the Tribunal adopts a figure somewhere between the two parties i.e. 10 hours. The review on 17th January 2007 might technically be a matter for another day but as both parties have included it, the Tribunal follows suit. On balance it considers the figure should be closer to the VLA suggestion and adopts 1 hour 30 minutes.
11. The Tribunal therefore determines a total of 29 hours.
12. The Tribunal does not agree that it is limited to ordering an hourly rate that is two thirds of the hourly rate for a solicitor. That rule is not a rule of the Lands Tribunal.

However in all the circumstances the Tribunal is content to adopt a figure of £65 an hour. The Tribunal therefore allows 29 hours at £65 an hour (£1,885).

13. In the absence of evidence that conflicts with what appears to be a reasonable suggestion by Mr Lester, the Tribunal adopts his total figure of £26.20 for parking and telephone calls.
14. The Tribunal therefore awards costs of £1,911.20.

ORDERS ACCORDINGLY

30th October 2007

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

Appearances

Mr Mark Mulholland appeared in person.

Mr Harry Lester, Valuation & Lands Agency, appeared for the Respondent.