

# QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL

CITATION: *Walden v Body Corporate for Sequester Quays* [2021]  
QCATA 37

PARTIES: **JONATHAN NIGEL WALDEN**  
(applicant/appellant)

v

**BODY CORPORATE FOR SEAQUESTER QUAYS**  
**1 CTS 21106**  
(respondent)

APPLICATION NO/S: APL391-17

MATTER TYPE: Appeals

DELIVERED ON: 17 March 2021

HEARING DATE: On the papers

HEARD AT: Brisbane

DECISION OF: Member Richard Oliver

ORDERS: **1. The Applicant pay the Respondent's costs of  
and incidental to the Appeal fixed in the sum  
of \$31,283.07 by 30 May 2021.**

CATCHWORDS: ADMINISTRATIVE LAW – ADMINISTRATIVE  
TRIBUNALS – QUEENSLAND CIVIL AND  
ADMINISTRATIVE TRIBUNAL – where an application  
for costs was made after the applicant's appeal was struck  
out – where orders were made for the assessment of costs  
– where the applicant has not filed any objection to the  
assessment – whether costs as assessed are reasonable.

*Queensland Civil and Administrative Tribunal Act 2009*  
(Qld) s 100, s 102 and s 107;  
*Queensland Civil and Administrative Tribunal Rules*  
2009 (Qld) Rule 86.

REPRESENTATION:

Applicant: Self-represented

Respondent: Active Law

APPEARANCES: This matter was heard and determined on the papers  
pursuant to s 32 of the *Queensland Civil and  
Administrative Tribunal Act 2009* (Qld).

## REASONS FOR DECISION

- [1] On 22 May 2020 the Tribunal made orders that the applicant pay the respondent's reasonable costs of the appeal. In so far as it is necessary, the reasons in that decision are adopted for the purposes of these reasons. The Tribunal addressed the question of costs payable under Rule 86 of the QCAT rules that the Tribunal may award reasonable costs to a party in particular circumstances.
- [2] As directed in that decision, the respondent obtained a written short form assessment of costs from Stephen Hartwell, Court Appointed Costs Assessor on 18 June 2020. In the assessment he set out his comments about what are reasonable costs and the methodology of assessing those costs. The then went on to assess the reasonable costs in respect of this application.
- [3] In a statement filed by Andrew Craig Redburn, Mr Redburn produced Mr Hartwell's assessment. No objection to the costs by the applicant has been received by the Tribunal.
- [4] In the circumstances and having been satisfied with the short form assessment, the Tribunal orders that the applicant pay the costs as assessed in the sum of \$31,283.07 by 30 May 2021.