

LVT/73

NORTHERN LEASEHOLD VALUATION TRIBUNAL

DECISION OF THE TRIBUNAL ON AN APPLICATION UNDER SECTION 21(1)(BA)
LEASEHOLD REFORM ACT 1967

<u>Applicant/ Leaseholder</u>	Mr. J. Bramley
<u>Respondent/ Freeholder</u>	Terrafirma Properties Ltd.
<u>Property</u>	18 Broadstone Hall Road North, Heaton Chapel, Stockport.
<u>Tribunal Members</u>	Mr. C. H. Davies FRICS Mrs. J. A. Turner FRICS
<u>Date of Hearing</u>	2nd November 2001
<u>In Attendance</u>	Mr. A. L. Bromiley – Respondent's Representative

This is the decision of a Leasehold Valuation Tribunal comprising C H Davies FRICS and Mrs J A Turner FRICS sitting 2nd November 2001 under provision of Section 21 (1) (ba) of the Leasehold Reform Act 1967 to determine landlords costs consequent upon a past Tribunal decision fixing the value of the freehold interest.

The application was made by the occupier/long leaseholder, J Bramley. The respondents are Terra Firma Properties Ltd represented at the hearing by Adrian L Bromiley, Solicitor, 243 Church Street, Blackpool.

In correspondence Terra Firma had requested legal fees totalling £400 being the total of £200 in respect of each of the Freehold and Headleasehold interests. Mr Bramley considered that £75 would be appropriate given, as the Tribunal read it, that he anticipated paying his solicitor £65.

Mr Bramley did not attend the hearing being content to leave the decision to the Tribunal. Mr Bromiley for Terra Firma stated that he dealt with all the respondent company's ground rent sales, they utilised London solicitors for other matters, that many sales were effected from the same title, and that the title was registered. He agreed that transfer of the two interests was a relatively simple matter and volunteered that his normal charge for legal transfer of a freehold was £100 plus VAT. He stated that the quoted figure of £400 was relevant perhaps to a 'London charge' or perhaps by a lawyer new to the scene/title.

It is clear to the Tribunal that the transfer of the Freehold and Headleasehold interests in this case will be undertaken by Mr Bromiley on his normal fee basis, and indeed it would be equitable even should the respondents utilise more expensive methods, for the Tribunal to make an award on such basis.

Given the evidence and its own experience the Tribunal considers that a fee of £125, to include any element of extra work engendered by the two interests involved, is the proper sum, together with VAT if applicable and any charges evidenced to be made upon Terra Firma by the Land Registry in this subject matter. The award in respect of costs is made accordingly.

CH DAVIES
Chairman

2nd November 2001