

Leasehold Reform Act 1967

**DECISION OF LEASEHOLD VALUATION TRIBUNAL**

**ON AN APPLICATION UNDER S.21 OF THE LEASEHOLD REFORM ACT 1967**

**TO DETERMINE THE REASONABLE COSTS PAYABLE UNDER S.9(4) OF THE ACT**

Applicant Tenants: Mr and Mrs D.R.Irving

Respondent Landlords and Freeholders: Parkland House Limited and Herontop Limited

Property: 40, Pooley View, Tamworth, Staffordshire B78 1BP

Date of Tenant's Notice (under Section 8 of the Act): 4<sup>th</sup> December 2002

RV as at 1 Apr. 1973: Less than £500

Application dated: 7th March 2003

Heard at: The Panel Office

On: 22<sup>nd</sup> May 2003

**APPEARANCES:**

For the Tenants: Mr J Moore MA

For the Freeholders: No appearance

Members of the Leasehold Valuation Tribunal:

Mr A.J Engel (Chairman)  
Mr D.J Satchwell  
Mr G Chidlow

Date of Tribunal's decision: 30<sup>th</sup> June 2003

### **Background:**

1. By Notice, dated 4<sup>th</sup> December 2002, the Tenants gave the Landlords (who were also the Freeholders) notice of their desire to have the freehold of the property. We were informed that a purchase price of £1,250-00 had been agreed; however, no agreement was made in respect of the reasonable costs payable by the Tenants pursuant to s.9(4) of the Act.
2. Accordingly, by Notice, dated 7<sup>th</sup> March 2003, the Tenants applied to the LVT (under s.21 of the Act) for a determination of such reasonable costs.

### **Hearing:**

3. A hearing was held, at the panel Office in Birmingham on 22<sup>nd</sup> May 2003 when Mr J Moore appeared for the applicant Tenants; the Landlords/Freeholders were not represented.
4. At the hearing, Mr Moore made the following submissions (which had been set out in the Notice of Application):-
  - (i) That Legal Fees should be restricted to £250;
  - (ii) Nothing should be allowed in respect of Surveyor's Fees;
  - (iii) Nothing should be allowed for other costs.
5. Mr Moore arguments included:-
  - (i) That the title was registered;
  - (ii) That costs incurred by the Landlords could not include costs in connection with the reference to the Tribunal (by reason of Para, 5 to Schedule 22 of the Housing Act 1980);

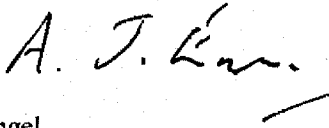
That there was no evidence of any inspection by a Surveyor acting on behalf of the Landlords and it was likely that any valuation carried out before the reference to the Tribunal would have been carried out , in Mr Moore's words "on the back of an envelope".
  - (iii) There was no evidence of any other costs.

6. The Tribunal accepted Mr Moore's submissions and arguments.

**Decision:**

7. The amount of costs payable by the Tenants under s.9(4) of the Act shall be limited to £250-00 (Two hundred and fifty pounds) in respect of legal costs (plus any VAT thereon, if applicable).  
No other costs are payable by the Tenants under s.9(4) of the Act.

Date: 30<sup>th</sup> June 2003



A.J Engel  
CHAIRMAN