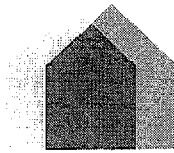


1607



**Residential
Property
TRIBUNAL SERVICE**

**LONDON RENT ASSESSMENT PANEL
LEASEHOLD VALUATION TRIBUNAL**

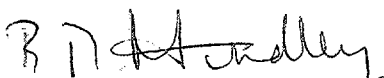
Case Reference: LON/OOAG/OCE/2007/0260

**LEASEHOLD REFORM HOUSING AND URBAN DEVELOPMENT ACT1993
SECTION 33**

Applicant:	31 Fortess Road Limited
Respondent:	Pledream Properties Limited
Premises:	31 Fortess Road, London NW5 1AD
Date of Application:	31 July 2007
Appearances for Applicant:	Paper determination
Appearances for Respondent:	Paper determination
Leasehold Valuation Tribunal:	Mrs B.M.Hindley LL.B Mr D. L. Edge FRICS

1. This is an application for a determination of costs under Section 33 of the Leasehold Reform Housing and Urban Development Act 1993.
2. Solicitors for the respondents, Sheridan and Stretton, sought legal costs of £1,140 + VAT, although on the basis of their costs breakdown showing 45 units @ £900 plus a further 7 units to complete the matter at a cost of £140, the total would appear to be only £1,040 + VAT + £6 disbursement.
3. A reduction to £740 + VAT, on the basis that costs in connection with the counter notice were not recoverable under Section 33, was agreed between the parties. Subsequently Sheridan and Stretton reneged on this agreement citing the decision of an LVT – reference LON/ENF/1535705 - Fortior Court, 100 Hornsey Lane, N6, where the Tribunal had accepted that until the counter notice was served, the positions of the parties had not crystallized since it was only when the counter notice was served that both sides were aware whether any or all of the terms were agreed.
4. The solicitors for the applicants, Samuels and Co, objected to the totality of the costs – the number of units charged - but they had no objection to the charge out rate of £200 per hour. They also objected to the inclusion of all the costs in connection with the counter notice. They provided a number of LVT decisions in support of the exclusion of costs in connection with the counter notice.
5. The Tribunal considered the reasoning of a Tribunal in the Fortior Court decision to be correct in allowing the inclusion of costs in connection with the service of the counter notice.
6. They considered that the totality of the units was somewhat excessive, particularly since there appeared to be some duplication of work in connection with the counter notice.
7. Accordingly, the Tribunal considers 45 units in total, equating to a charge of £900 + VAT + £6 disbursement, to represent the reasonable legal costs in this matter.
8. Mr Shapiro of Chesterton Global Limited sought £2,250 +VAT as the valuation fees of the respondent.
9. Requested by the applicant's solicitors for a breakdown he said that this represented a fee of £750 per flat (x 3). However, in a letter of 8 January 2008 to the applicant's solicitors he set out his and his assistant's charge out rate per hour (£350 and £125), and said that they had worked for a total of 7 hours (4 by Mr Shapiro and 3 by his assistant). This equated to a total of £1,775 + VAT. The resulting difference of £475 he appeared to attribute to the 'level of responsibility to the client'.
10. The Tribunal considered the valuation costs for inspection and valuation of three flats in the same building to be excessive. In their opinion a cost of £1,200 + VAT is reasonable.

Chairman:



Date:

23 January 2008