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Property  
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LONDON RENT ASSESSMENT PANEL  
LEASEHOLD VALUATION TRIBUNAL

**LON/00AH/LCP/2008/0005**

**DECISION OF THE LEASEHOLD VALUATION TRIBUNAL  
ON AN APPLICATION UNDER SECTION 88 OF THE  
COMMONHOLD AND LEASEHOLD REFORM ACT 2002**

Address 76 Sangley Road, Norwood, London SE25 6QX

Applicant Sinclair Gardens Investments (Kensington) Ltd

Respondent 76 Sangley Road RTM Company

Paper Determination 12 August 2008

Date of Decision 12 August 2008

The Tribunal Mrs F L Silverman LLM  
Mr I B Holdsworth Msc FRICS

## DECISION AND REASONS

### DECISION

- 1 The Landlord's reasonable costs are £969.37.

### REASONS

- 1 This is an application under s 88(4) Commonhold and Leasehold Reform Act 2002 for the determination of the landlord's reasonable costs following the unsuccessful application for the right to manage by 79 Sangley Road RTM Company Ltd.
- 2 This application has been dealt with as a paper hearing without oral evidence being given by or on behalf of either party. Written representations have been received from Mr P Chevalier on behalf of the Landlords and from Ms Gayle and Mr Harris on behalf of the RTM company.
- 3 Mr Chevalier argues that his costs of £969.37, which represents less than four hours work charged at £220 per hour, is a reasonable sum for the work undertaken by him on the landlord's behalf in opposing the RTM's management claim. He supports his argument by reference to a number of decided cases and legal principles and Part 44 Civil procedure Rules.
- 4 In particular he cites the strict test laid down in the Commonhold and Leasehold Reform Act 2002 and says that the only applicable test as to reasonableness of the Landlord's indemnity costs is whether the Landlord would reasonably have paid the costs if it was paying them personally. In this case there is a letter produced to the Tribunal from the Landlord (Sinclair Gardens Investments (Kensington) Ltd) agreeing to pay Mr Chevalier's costs at the rate of £220 per hour. We are therefore satisfied that the landlord would pay Mr Chevalier's costs personally if called upon to do so.
- 5 Mr Chevalier is a sole practitioner of many years experience who specialises in this area of law. In his written submissions to the Tribunal he set out the tasks which he had undertaken on behalf of his clients together with the time taken for each task. He does not employ any ancillary staff and all work undertaken for clients is executed by him personally. Having reviewed the list of tasks submitted by Mr Chevalier (none of which actual tasks has been seriously challenged by the RTM

company as being unnecessary) we do not consider that the tasks undertaken went beyond those necessary to protect Mr Chevalier's client's interests nor do we consider that the time taken in performing those tasks extended beyond the amount of time which a reasonably competent solicitor would take to accomplish them. We also consider that all the work was done in pursuance of the consequences of the services of a notice of claim.

- 6 The RTM company argues that Mr Chevalier's costs are excessive and should not exceed £400. They do not however suggest what would be an appropriate alternative hourly charging rate for this work.
- 7 It is not appropriate to compare the charging rate of an unqualified person/managing agent with that of an experienced specialist solicitor as the RTM company seek to do.
- 8 Mr Chevalier cited cases where the Tribunal had in 2004 held as reasonable charging rates of £320 per hour in (case CAM/OOAT/OCE/2005/0017). In the light of that decision and in the experience of the Tribunal the charging rate proposed by Mr Chevalier is within the bands of reasonable charges to be expected of a solicitor of his experience working in this area in 2008.
- 9 For the above reasons we find the charges proposed by Mr Chevalier to be reasonable and payable by the RTM company



Frances Silverman

Chairman