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LONDON RENT ASSESSMENT PANEL

DECISION OF THE LEASEHOLD VALUATION TRIBUNAL ON AN APPLICATION UNDER SECTIONS 91 and 60 OF THE LEASHOLD REFROM, HOUSING AND URBAN DEVELOPMENTS ACT 1993

Case Reference:	LON/00AF/OC9/2013/0015
Premises:	23 Ethelbert Close, Bromley Kent BR1 1JB
Applicant:	Mr Matthew Pearson
Representative:	
Respondents:	Mr A.F. Marks R.T G Marks and Ms S Strong
Representative:	Thackray Williams LLP
Leasehold Valuation Tribunal:	Dr Helen Carr Mrs Davies FRICS
Date of decision:	29 th April 2013

Decisions of the Tribunal

- (1) The Tribunal determines that the sum of £512.50 plus VAT is payable by the Applicant/ in respect of legal costs.

The Background

The application

1. The Applicant seeks a determination pursuant to s.91 of the Leasehold Reform, Housing and Urban Development Act 1993 as to the amount of costs payable by the Applicant in accordance with s.60 of the Act
2. Both parties expressed their willingness for the matter to be determined without a hearing and the matter was therefore considered on the basis of the documents provided by the parties.
3. The current application arises out of an earlier application for a lease extension which was agreed but subsequently not completed.
4. Costs under s.60 of the Act have been disputed by the Applicant in this application and the matter therefore referred to the Tribunal for determination.
5. The amount disputed are:

Legal fees of £834.48 inclusive of VAT
6. The Applicant does not dispute the hourly charging rate of £205 plus VAT
7. The Applicant does dispute the time spent on the matter. The Applicant argues that spending more than three hours on this matter was excessive.
8. The Respondent has not responded to Direction 2 of the Tribunal's directions in this matter which required that the landlord send a detailed statement of costs claimed to the tenant by 22nd March 2013.

The law

9. Section 60 of the Leasehold Reform, Housing and Urban Development Act 1993 provides as follows:

(1) Where a notice is given under section 42, the (subject to the provisions of this section) the tenant by whom it is given shall be liable, to the extent that they have been incurred by any relevant person in pursuance of the notice, for the reasonable costs of and incidentally to any of the following matters, namely

(a) any investigation reasonably undertaken of the tenant's right to a new lease;

(b) any valuation of the tenant's flat obtained for the purpose of fixing the premium or any other amount payable by virtue of Schedule 13 in connection with the grant of a new lease under section 56

(c) the grant of a new lease under that section ...

(2) For the purpose of subsection (1) any costs incurred by a relevant person in respect of professional services rendered by any person shall only be regarded as reasonable if and to the extent that costs in respect of such services might

reasonably be expected to have been incurred by him if the circumstances had been such that he was personally liable for all such costs

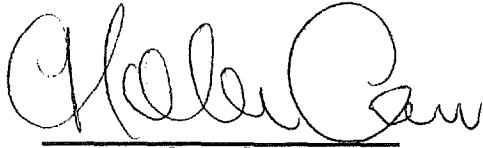
The Tribunal's decision in connection with the legal fees and disbursement

10. The Tribunal determines that the amount payable in respect of legal fees is £512.50 plus VAT.

Reasons for the Tribunal's decision

11. The Tribunal drawing on its own expertise determines the work carried out by the legal advisers to the Respondents should have taken approximately two and half hours.
12. No evidence has been provided by the Respondents to suggest that the work required more than a standard amount of time.

Chairman:


[name]

Date:

29 / 4 / 2013