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**FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)**

Case Reference : **BG/LON/OOAG/oc9/15/327**

Property : **Flat 2, 66 Rosslyn Hill, London
NW3 1ND**

Applicant : **Deborah Koi**

Representative : **None**

Respondents : **Martyn John Gordon
Andre Davis Philip Gordon
Richard Benjamin Grosse**

Representative : **Underwood Vinecombe Solicitors**

Type of Application : **Assessment of costs under section
60(1) of the Leasehold Reform
Housing and Urban Development
Act 1993**

Tribunal Members : **Mrs S O'Sullivan**

Date of Decision : **16 December 2015**

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DECISION

are challenged as duplication. The Applicant provides copies of the quotations relied on.

10. The Respondent set out its response in the witness statement of Ian Meadows, a solicitor who acted on this matter. It is said that the tenant's costs are irrelevant. The so called comparable quotations are criticised as they do not cover time spent drafting the lease. The Respondent objects to the insinuation that the landlord's costs have been inflated in some way. It is further disputed that the work was not carried out with proper attention and care. It is also said that the preparation of a costs schedule is recoverable as work required in the proceedings.

Legal costs - the Tribunal's decision

11. The provisions of section 60 are well known to the parties and the tribunal does not propose to set the legislation out in full. However costs under that section are limited to the recovery of reasonable costs of an incidental to any of the following matters, namely:-
 - i. Any investigation reasonably undertaken of the tenant's right to a new lease;
 - ii. Any valuation of the tenant's flat obtained for the purpose of fixing the premium or amount payable by virtue of Schedule 13 in connection with the grant of a new lease under section 56
 - iii. The grant of a new lease under that section.
12. Subsection 2 of section 60 provides that *"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"*
13. A statement of costs has been provided by the landlord. This sets out that the work was carried out by a Partner at the rate of £201 per hour and by a trainee solicitor at £111 per hour. No criticism is made of the hourly rates and the tribunal in any event considers they fall within a reasonable range.
14. The work is itemised into various categories including time spent on calls, letters, consideration of the section 42 notice, preparation of the counter notice and some 2 hours spent drafting and agreeing the lease. The tribunal does not consider that it can fully take into account the tenant's comparable quotations as they are simply quotations and in any event do not include time for the preparation and agreement of the lease. The tribunal has seen no evidence that the charges have in any

way been inflated. It considers that the cost of preparing the cost schedule is recoverable.

15. The tribunal considers that the landlord's legal costs are reasonable in amount and allows them in full in the sum of £958 plus Vat.

Valuation costs

16. Valuation costs are sought in the sum of £1,406.
17. The Applicant says that these costs are excessive when compared with those of her own valuer in the sum of £650 plus Vat. It is submitted that the travelling time claimed of 3 hours is excessive.
18. Mr Bakewell, the surveyor, has provided a valuation costs schedule in which he itemises the work carried out at 7.6 hours at a total cost of £1406. Three hours of the total claimed are travel time. He explains that he arranged the inspection when staying in Surrey rather than travelling from Birmingham to minimise the costs.
19. The summary of the work carried out included making arrangements to inspect, carrying out research on comparable transactions and studying the lease and preparing the valuation.

Valuation costs – the tribunal's decision

20. The tribunal considered the invoice provided. For a straightforward valuation in this area we consider a fee of no more than £1,000 plus Vat to be reasonable. It appears that Vat is not chargeable and thus the sum of £1,000 is payable. If however Mr Bakewell is registered for vat the sum of £1,000 plus Vat is allowed.

Name: Sonya O'Sullivan

Date: 16 December 2015