



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

**Case Reference** : LON/00AM/0C9/2016/0155

**Property** : Flat 1, 108-112 Hoxton Street, N1  
6SH

**Applicant** : Gwilym Jones

**Representative** : None

**Respondent** : Leslie Adkins

**Representative** : Singletons Austin Ryder Solicitors

**Type of Application** : Application for determination of  
reasonable costs – flats and  
premises – Section 91(2)(d)  
Leasehold Reform, Housing and  
Urban Development Act 1993

**Tribunal Judge** : Mr M Martyński

**Date of Decision** : 16 June 2016

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**DECISION**

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## Decision summary

1. The legal costs payable to the Respondent are £1410.84 plus VAT.
2. The valuation costs payable to the Respondent are £950.00 plus VAT.

## Background

3. This matter arises out of the Applicant's claim to acquire a new lease of the subject flat from the Respondent. The Notice of Claim is dated 20 March 2015 and it proposed a premium for the new lease of £12,000.
4. The Respondent served a Counter Notice dated 26 May 2015. That Counter Notice admitted the right to a new lease and proposed a premium of £30,000.

## The Application

5. The Applicant's application to this tribunal is dated 19 April 2016. Directions were given on the application on 21 April 2016 and the matter was set down on the Paper Track to be decided without a hearing.
6. No party requested a hearing and I have therefore decided this application on the basis of the documents and written submissions provided by the parties.

## Decision

7. The Respondent has claimed costs as follows:-  
Solicitor's costs      £1,653.34 plus VAT  
Valuer's costs          £950.00 plus VAT
8. The Applicant's objections to the Respondent's costs are set out in a letter dated 13 May 2016. The Applicant's objections and my decisions in relation to them are set out in the table below.

| Issue                           | Time charged           | Description of work and our decision  |
|---------------------------------|------------------------|---|
| Hourly Rates                    | £230 and £140 per hour | This work is specialised and carries a high risk so far as insurance is concerned. Both these charging rates are reasonable both for the location of the solicitor's office and the type of work. |
| Taking instructions from client | 30 minutes             | I disagree with the Applicant's objection on this point. I consider that 30 minutes is a reasonable time for taking instructions.   |
| Considering lease and title     | 20 minutes             | I disagree with the Applicant's objection on this point. I consider that 20 minutes is a reasonable time for taking instructions.   |

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|---|--|---|
| Instructing Valuer  | 15 minutes                                   | There is nothing wrong about instructing a valuer at this point, it is standard practice. The time taken to instruct the valuer is reasonable.  |
| Considering the tenant's notice and validity of claim               | 1 hour 15 minutes                            | I agree with the Applicant that this time appears a little on the high side. I do not consider that checking the validity of the claim includes seeking and checking identification documents. However, this is a vital part of the process and it has to be allowed ample time. I have allowed 1 hour.   |
| Preparing landlord's Counter Notice                                 | 30 minutes                                   | I agree that this is a simple document but it is absolutely key, it needs to be prepared, checked and double checked. I consider that 30 minutes is reasonable.   |
| Preparing deposit notice  | 20 minutes                                   | I consider that the time charged is reasonable.   |
| Considering valuation and discussing with client                    | 30 minutes (at £230)<br>30 minutes (at £140) | I consider that this time is excessive. The valuations largely speak for themselves; beyond this the work regarding valuation is negotiation. I have allowed 15 minutes at £140.00 per hour (amounting to £60.00) for this work.  |
| Considering terms of new lease to be included in the Counter Notice | 30 minutes (at £230)<br>60 minutes (at £140) | No specific new terms were put into the Counter Notice. I have not seen the new lease. I accept that the solicitors have to check the lease and decide on whether there should be revisions and/or new terms, I have no evidence here as to what new terms, if any, there were in the lease. In the circumstances I have allowed 1 hour at £230.00. |
| Drafting new lease  | 45 minutes                                   | I consider that this is a reasonable time claim for the drafting of the lease and that it is reasonably claimed at the higher charging rate.  |
| Considering amendments  | 15 minutes (at £230)<br>30 minutes (at £140) | It is clear from the Applicant's objections that there were considerable discussions regarding amendments and I conclude therefore that this time was reasonable.   |
| Updating draft lease  | 30 minutes                                   | I consider that I have already allowed sufficient time bearing in mind the Applicant's comments and so this time is disallowed.   |
| Preparing completion statement                                      | 15 minutes                                   | This is a reasonable time claim for work that will have to be done.   |
| Attending to completion   | 20 minutes                                   | Again, this is a reasonable time claim for work that will have to be done.  |
| Valuation fees  | £950.00                                      | These fees are within a reasonable and usual scale of fees that the tribunal sees (albeit towards the top of that scale) and are therefore allowed.   |

**Mark Martyński, Tribunal Judge**  
**16 June 2016**

**ANNEX - RIGHTS OF APPEAL**

1. If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber) then a written application for permission must be made to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application for permission to appeal must arrive at the Regional office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.
3. If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal, and state the result the party making the application is seeking.