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LEASEHOLD VALUATION TRIBUNAL
OF THE
MIDLAND RENT ASSESSMENT PANEL

Ref: BIR/OOCN/OC6/2004/0072

DECISION OF THE LEASEHOLD VALUATION TRIBUNAL
ON AN APPLICATION UNDER SECTION 21(1) OF THE LEASEHOLD REFORM ACT 1967

Applicant: Mrs G. Varley (leaseholder)

Respondents: The Trustees of The Calthorpe Estate (freeholders)

Subject property: 12 Cockthorpe Close
Harborne
Birmingham
B17 8SD

Application to the LVT: 23 April 2004

Hearing: 4 June 2004

Appearances:

For the applicant: Mr A W Brunt

For the respondents: No appearance

Members of the LVT: Mr A P Bell MA LLB
Mr I D Humphries BSc (Est. Man) FRICS
Mr D Underhill

Date of determination: 22 JUN 2004

Introduction

- 1 This is a decision on an application under section 21(1) of the Leasehold Reform Act 1967 ("the 1967 Act") made to the Leasehold Valuation Tribunal by Mrs G Varley, the leaseholder of the house and premises at 12 Cockthorpe Close Harborne Birmingham B17 8SD ("the subject property"), on 23 April 2004 for the determination of the reasonable costs payable under section 9(4) of the 1967 Act.

Hearing

- 2 The hearing was attended by Mr A W Brunt of Anthony Brunt & Co representing the applicant leaseholder. The respondent freeholders did not attend and were not represented.

Representations of the parties

- 3 Mr Brunt, representing the applicant leaseholder, expressed the view that £300 plus VAT was a reasonable figure for the freeholders legal costs. He conceded that the applicant leaseholder should pay the fee of £8.00 for office copy entries, but submitted that the reasonable costs should not include a telegraphic transfer fee of £23.50. Mr Brunt did not take issue with the sum of £250 net claimed by the respondent freeholders in respect of the surveyor's costs.

Determination of the Tribunal

- 4 The Tribunal considered the evidence and the representations of Mr Brunt both in writing and at the hearing. In the absence of any breakdown of the figures submitted on behalf of the respondent freeholders and in the absence of evidence of actual work undertaken and actual costs incurred in the present case, the Tribunal determines, in accordance with section 9(4) of the 1967 Act and the recent practice of Leasehold Valuation Tribunals in the Midland Rent Assessment Panel region, that the respondent freeholders are limited to the recovery of legal costs of £300.00 (plus VAT if applicable) and in addition £8.00 in reimbursement of the fee for the office copy entries and surveyors' costs of £250.00 (plus VAT if applicable) under section 9(4) of the 1967 Act.

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A P Bell

Chairman

Dated 22 JUN 2004