



**Residential
Property**
TRIBUNAL SERVICE

**LEASEHOLD VALUATION TRIBUNAL FOR THE
LONDON RENT ASSESSMENT PANEL**

**DECISION OF THE LEASEHOLD VALUATION TRIBUNAL ON AN APPLICATION
UNDER SECTION 60 OF THE LEASEHOLD REFORM, HOUSING AND URBAN
DEVELOPMENT ACT 1993**

Reference: LON/OOAW/OC9/2007/0005

Property: Flat 3, 10 Brechin Place, London SW7 4QA

Applicants: The Trustees of the Simon J Day Settlement

Respondent: Mr Charles Champion

Hearing date: 17 April 2007

Members of the Leasehold Valuation Tribunal:

Mr S E Carrott LLB
Mr L Jarero BSc FRICS

Date of Tribunal's decision: 17 April 2007

1. This is an application for the determination of the landlord's costs payable by the tenant under section 60 the Leasehold Reform, Housing and Urban Development Act 1993.
2. The Applicant landlords are the Trustees of the Simon J Day Settlement and the Respondent tenant is Mr Charles Champion. The Applicant is represented by Pemberton Greenish Solicitors and the Respondent is represented by Wright and Co Solicitors.
3. **Background**

The Respondent's predecessor in title served a notice of claim pursuant to section 42 of the 1993 Act on 30 August 2006. On 12 October 2006 there was an assignment of the lease to the Respondent. On 6 November 2006 the Applicant served a counter notice.
4. By a letter dated 15 November 2006, the Respondent's Solicitors served notice confirming withdrawal of the section 42 notice. There then followed correspondence by the parties concerning the Applicant's costs and on 19 December 2006 the Respondent's Solicitors proposed a reduced fee of £1,250 plus VAT in respect of legal costs having queried the time spent on 11 September, 2 November and 6 November 2006 and inviting the Applicant's Solicitors to have their costs taxed in the event that the offer of £1,250 plus VAT was not acceptable.
5. This application was received by the Tribunal on 30 January 2007. The correspondence between the parties continued after the application was issued and in their letter dated 16 March 2007 the Respondent's Solicitors queried the time spent on the file on 2 November 2006 and 6 November 2006 (some six hours) and suggested that there was some duplication on those dates.

6. Both parties agreed that this application should proceed without an oral hearing. Written representations were received from the Applicant. No written representations were received from the Respondent.
7. On 17 April 2007 the Tribunal inquired with the Respondent's Solicitors whether they had received the Applicant's written representations and whether the Applicant was proposing to make any written representations. The Respondent's Solicitors indicated that they did not wish to make written representations.
8. **Determination**

In reaching its determination the Tribunal had regard to the written submissions of Andrew Stevens, a costs draftsman employed by Pemberton Greenish, the written documentation and the correspondence between the parties.
9. The Applicant's legal bill as detailed on pages 47 to 49 of the Applicant's written submissions contained some duplication in respect of the work carried out on 2 November 2006 and 6 November 2006. In the light of that duplication it could not be said that the whole of those costs were the reasonable costs of and incidental to any investigation reasonably undertaken of the tenant's right to a new lease as required by section 60(1)(a) of the 1993 Act. The sum claimed by the Applicant's Solicitors was £2,321.96 inclusive of VAT. The Tribunal determined that a slight reduction was therefore necessary but not to the extent contended for by the Respondent's Solicitors. The Tribunal considered that a reasonable sum was £2000 inclusive of VAT and disbursements.
10. With regard to the surveyors fees the sum of £1803.63 inclusive of VAT was claimed. No reasons were advanced by the Respondent or his Solicitors as to why this figure was excessive. Part of the fee was incurred as a result of the Respondent failing to keep to a pre-arranged appointment for an inspection of the premises so that the surveyor had

to attend on second occasion. The Tribunal considered that in the circumstances the costs of the valuation was reasonable.

11. Accordingly the Tribunal determines that the Applicant's reasonable costs pursuant to section 60 of the Leasehold Reform, Housing and Urban Development Act 1993 are £3803.63 inclusive of VAT.

Chairman *SECamels*

Date *17/4/07*