



**Residential  
Property**  
TRIBUNAL SERVICE

**THE RESIDENTIAL PROPERTY TRIBUNAL SERVICE**

**DECISION OF THE LONDON LEASEHOLD VALUATION TRIBUNAL ON  
AN APPLICATION UNDER SECTION 33 OF THE LEASEHOLD REFORM,  
HOUSING AND URBAN DEVELOPMENT ACT 1993**

Reference : LON/OOAN/OC9/2008/0013

Property : Barons Court Mansions, Gledstanes Road, London W14 9HZ

Applicant : Barons Court Mansions Limited (nominee purchaser)

Respondent : Rouge Properties Limited (landlord)

Date of Hearing : 8th April 2008

Members of the Leasehold Valuation Tribunal:

Miss A Seifert FCI Arb  
Miss M Krisko BSc FRICS

Date of Decision : 8th April 2008

## **DECISION OF THE LEASEHOLD VALUATION TRIBUNAL**

### **Background**

1. This is an application under section 33 of the Leasehold Reform, Housing and Urban Development Act 1993 (as amended) ("the Act"), for the determination of the costs to be paid by the nominee purchaser in connection with enfranchisement.
2. An application for collective enfranchisement was made by the nominee purchaser, Barons Court Mansions Limited. The Respondent to the application was Rouge Properties Limited. Brief details are as follows.
  - a) Barons Court Mansions, Gledstanes Road, London W14 9HZ
  - b) Date of tenants' notice: 5th January 2007
  - c) Date of landlord's counter-notice : 9th March 2007
  - e) Valuation date : 5th January 2007
  - f) Details of tenants' leasehold interests : As set out in the schedule to the tenants' notice.
  - g) The terms of the transfer including the premiums have been agreed.
3. The issue between the parties is the freeholder's reasonable surveyor's costs payable by the nominee purchaser.
4. In directions dated 28th February 2008, it was considered that the matter was suitable for determination without an oral hearing (paper track). The parties were given the opportunity to request an oral hearing, but no such request was made.

### **Documents on the File**

5. The documents on the file included:
  - The initial notice together with the schedule of qualifying tenants dated 5th January 2007;
  - Counter- notice dated 9th March 2007;
  - Directions dated 28th February 2008;
  - Letter from Messrs. Freeman Box, Solicitors for the Respondent freeholders, dated 13th March 2008, enclosing a copy of the time costing sheet supplied by Respondent's surveyors, Messrs Fields dated 12th March 2008;
  - Letter from Messrs. Guillaumes Gosling & Wilkinson, Solicitors for the Applicant dated 17th March 2008, requesting the Tribunal to allow additional time for serving a detailed statement in reply, which request was denied;

- Letter from Messrs. Guillaumes Gosling & Wilkinson dated 20th March 2008, providing a short statement in response.

### The Tribunal's Conclusions

6. As stated above, a document headed "Time Costing" dated 12th March 2008, prepared by Mr David Haines FRICS, a consultant at the firm of Fields Residential Limited, which describes itself as "Specialising in Leasehold Enfranchisement", was submitted in support of the Respondent's claim to surveyor's costs of enfranchisement. The total sum claimed was £8,000.00 + VAT. This schedule is attached to this decision marked "Appendix A".

7. The comments contained in the above response from Messrs. Guillaumes Gosling & Wilkinson were as follows:

*A charging rate of £250.00 an hour for a surveyor to advise in this matter is excessive. We seek the Tribunal's ruling on an appropriate hourly rate.*

*The time spent on every item claimed is excessive. If, which is not admitted, the time claimed was actually spent on these individual items, it was not reasonable expenditure of time, and the applicant should not have to pay the sums claimed in full.*

*We invite the Tribunal to take into account the fact that the Appellant's surveyor, with no less work to do, charged £2,000.00 plus VAT.*

8. The Tribunal's decision in respect of the hourly rate charged and each of the items included in the time costing schedule (see Appendix A), is set out below.
  - a) Hourly rate  
The hourly rate charged is £250.00 per hour, plus VAT. Messrs. Guillaumes Gosling & Wilkinson submitted that this rate was excessive. The Tribunal notes that Mr Haines is a FRICS, and that the firm is based in Queen's Grove, St Johns Wood, London. We do not consider that the hourly rate charged is excessive. The Tribunal notes that no evidence was submitted by the Applicant to support any other rate.
  - b) Obtaining and considering Land Registry Office Copy Entries – 2 hours.  
Charge: £500.00.  
The Tribunal considers that, in view of Mr Haines' qualifications and experience, the time spent on this item is excessive, and we reduce the time spent to one hour. The sum recoverable for this item is therefore £250.00.
  - c) Obtaining and considering 21 Leases and associated documentation – 10.5 hours. Charge: £2,625.00.  
The Tribunal considers that, in view of Mr Haines' qualifications and experience, half an hour per lease is excessive. It is reasonably anticipated that in a case of this nature, that there would be some duplication of the

lease provisions and terms, which would not need detailed consideration for the purposes of the valuation. In the circumstances the Tribunal finds that 5.25 hours is appropriate and sufficient. The sum recoverable for this item is £1,312.50.

- d) Arranging appointments to inspect by letter and telephone with individual Lessees – 3 hours. Charge: £750.00.

No details of the number of letters written or calls made, or the time spent on each, were provided. However, even in the absence of these details, it not unreasonable that this could have taken three hours and we allow this period of time.

However, the Tribunal considers that the full charging rate is not appropriate for carrying out this function, which could be carried out by a non-professional. We find that the appropriate charging rate for this work is £125 per hour.

The sum recoverable for this item is therefore £375.00.

- e) Inspection visits to various flats, common parts and appurtenant land – 4 hours. Charge: £1,000.00.

The Tribunal considers that four hours is not unreasonable for a very comprehensive inspection of the majority of the flats. The Tribunal has not been provided with any evidence of how many of the 21 flats were inspected, or indeed the relevant individual differences between the flats, if any. However, the Tribunal finds that four hours is a reasonable time. The sum recoverable is therefore £1,000.00.

- f) Travelling 1.5 hours x 3. Charge £1,125.00.

No details were provided of the 4.5 hours in total of travelling. The Tribunal considers that in the absence of a reasonable explanation from Mr Haines as to why three visits were necessary; two visits at 1.5 hours each should have been sufficient. The Tribunal also considers that the full professional charging rate is unreasonable for travelling time. The Tribunal allows for three hours travelling time at £125.00 per hour. The sum recoverable on this item is therefore £375.

- g) Obtaining details of comparable evidence and making external inspections – 5 hours. Charge £1,250.00

Although we have no detailed on the time spent, or on the amount of evidence collected, the Tribunal considers that the time charged for this item is reasonable. The sum recoverable is £1,250.00.

- h) Preparing and submitting the valuation report – 3 hours. Charge: £750.00.

The Tribunal has not seen the valuation report, but considers that three hours is a reasonable time to prepare such a report. The sum recoverable on this item is therefore £750.00.

9. We note that in the Applicant's solicitor's response it was stated that the Applicant's surveyor charged £2,000.00 plus VAT for a valuation "with no less work to do". However, in the absence of any further details including

information about the precise nature and extent of the work undertaken, this does not alter our conclusion as the reasonably recoverable costs.

Summary of Decision

9. The Tribunal finds that the total amount payable by the nominee purchaser for the surveyor's costs of the enfranchisement under section 33 of the Act is £5,312.50 plus VAT.

Chairman: A Seifert *A Seifert* .....

Date: 8th April 2008

Members of the Leasehold Valuation Tribunal:

Miss A Seifert FCI Arb  
Miss M Krisko BSc FRICS

LON/00AN/0C9/2008/0013

Specialising in Leasehold Enfranchisement

63 Queens Grove,

London NW8 6ER

Telephone: 020 7586 0044

Fax: 020 7586 8184

www.leaseextend.co.uk

Email: fields@leaseextend.co.uk

**BARONS COURT MANSIONS  
GLEDSTANES ROAD  
LONDON, W14**

**Time Costing**

<b>Obtaining and considering Land Registry Office Copy Entries – 2 hours</b>	<b>£500.00</b>
<b>Obtaining and considering 21 Leases and associated documentation – 10.5 hours</b>	<b>£2625.00</b>
<b>Arranging appointments to inspect by letter and telephone with individual lessees – 3 hours</b>	<b>£750.00</b>
<b>Inspection visits to various flats, common parts and appurtenant land – 4 hours</b>	<b>£1000.00</b>
<b>Travelling 1.5 hours x 3</b>	<b>£1125.00</b>
<b>Obtaining details of comparable evidence and making external inspections – 5 hours</b>	<b>£1250.00</b>
<b>Preparing and submitting the valuation report 3 hours</b>	<b>£750.00</b>
<b>Total 32 hours @ £250.00 per hour</b>	<b><u>£8000.00 + VAT</u></b>

All work undertaken by D.C.Haines F.R.I.C.S

12/03/08

Fields Residential Limited

Also located at 117 George Street, London W1H 7HF

Consultants: David Haines F.R.I.C.S. &amp; Brian Goodman F.R.I.C.S.

Registered Office: 1 Beauchamp Court, Victors Way, Barnet, Hertfordshire EN5 8TZ

Registered in England No. 2886754 VAT No. 629 6716 05