

2549



HM Courts
& Tribunals
Service



Residential
Property
TRIBUNAL SERVICE

LONDON RENT ASSESSMENT PANEL

**DECISION OF THE LEASEHOLD VALUATION TRIBUNAL UNDER SECTIONS 60
and 91(2)(d) OF THE LEASEHOLD REFORM, HOUSING AND URBAN
DEVELOPMENT ACT 1993 (the Act)**

Case Reference: LON/00AB/OC9/2012/0039

Premises:

Flats 4 and 8, Faircross Mansions, Longbridge Road, Barking, Essex IG11 8UP

Applicants: F.Ahumada-Alvarez and M.Prince

Representative: Kennard Wells, Solicitors

Respondent: Savile Estates Limited

Representative: Wallace LLP, Solicitors

Date of determination: 27th June 2012

**Leasehold Valuation Tribunal: Mr A.J.ENGEL M.A. (Hons.) – Chairman
Mr N.MALONEY F.R.I.C.S.**

Date of Decision: 27th June 2012

DECISIONS

A. Legal costs of £3,981-67 (inclusive of VAT and disbursements) are payable by the Applicants to the Respondent.

B. Valuation fees of £1,200 (inclusive of VAT) are payable by the Applicants to the Respondent

REASONS

Background

1. The Respondent is the Freeholder of both Flats. The Applicants are the (long) Lessees.
2. The Applicants served notices on the Respondent claiming the right to acquire new leases. New leases were granted - which means that the Respondent is entitled to costs pursuant to Section 60 of the Act.
3. In the absence of agreement, the issue as to costs was referred to the Leasehold Valuation Tribunal (LVT) by the Applicants.

Hearing

4. A hearing before the LVT was fixed for 27th June 2012. However, neither party appeared and we have proceeded to decide the case on the papers.

Evidence

5. The evidence was contained in two bundles – one for each flat.

Valuation Fees

6. Valuation fees of £500 plus VAT are claimed in respect of each flat, making a total of £1,200. The Applicants submit that this is excessive and that there is an element of duplication. We reject this submission. In our view, £1,200 takes into account the duplication (which, we agree, is clearly an element in this case). In our view, £1,200 is reasonable.

Legal Fees

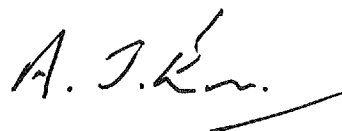
7. Legal Fees are claimed in the sum of £3,981-67 (inclusive of VAT and disbursements). This is split between the two flats in almost equal proportions and the Respondent contends that duplication has been taken into account.
8. The Applicants criticises the time spent on some of the items – but in a rather general way. In our view, these criticisms are not valid and we consider the time spent was reasonable.

9. Again, in our view, duplication has been taken into account and the amount claimed is reasonable.

10. The Applicants' Solicitors point out that the Solicitor and Valuer instructed by the Applicants charged at a lesser rate than those instructed by the Respondent. However, we consider that it was reasonable for the Respondent to instruct Wallace & Co. LLP (Solicitors) and that the hourly rates charged by the Respondent's Solicitors were reasonable.

11. Looking at the matter in the round, it is our view that the legal fees of (almost) £4,000 (inclusive of VAT and disbursements) is within the ambit of reasonableness.

SIGNED

A handwritten signature in black ink, appearing to read 'A. J. Engel', with a long horizontal stroke extending to the right.

(A.J.ENGEL – Chairman)