



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

Case Reference : **LON/00AY/LCP/2016/0005**

Property : **86 Ellison Road, SW16 5DD**

Applicant : **Assehold Limited**

Representative : **Scott Cohen Solicitors**

Respondent : **86 Ellison Road RTM Company**

Representative : **Urban Owners Limited**

Type of Application : **Right to Manage – Commonhold
and Leasehold Reform Act 2002 -
Costs**

Tribunal : **Mr M Martyński (Tribunal
Judge)
Mr C Gowman**

Date of Decision : **11 July 2016**

DECISION

Decision summary

1. The Applicant is to pay the Respondent's costs assessed as follows:-

Legal Costs	£633.00 (including VAT)
Disbursements	£3.00
Managing Agent's Costs	£110.00
VAT on agent's costs	<u>£22.00</u>
Total	£768.00

Background

2. The Applicant's application is dated 6 May 2016 and seeks a decision as to the amount of costs payable by the RTM Company.
3. Directions on the application were given on 18 May 2016. The application was put on the Paper Track. Neither party requested a hearing and accordingly this application has been decided on the basis of the papers alone, those papers consisting of the tribunal's case file and the file of papers submitted by the Applicant.
4. It appears from the papers that the Applicant accepted the Respondent Company's Right to Manage (the Claim Notice being dated 11 March 2016) and now claims its costs in consequence of that claim.

The issues

5. The issues as to costs between the parties are set out in a Schedule completed by both parties. We set out below the issues in the Schedule and our decisions.

Decision

Amount/Time	Objection	Answer	Decision
Hourly charging rate £250	Too High	Appropriate given level of fee-earner	We consider the hourly rate to be reasonable for this type of work and for this fee earner
54 minutes attendances	Excessive given the very simple nature of the building	Appropriate	We consider this to be a reasonable time claim for the work that was required
30 minutes assessment of claim notice	15 minutes proposed	Appropriate	We consider this to be a reasonable time claim for the work that was required
36 minutes review of additional documentation	15 minutes proposed	Appropriate	We consider this to be a reasonable time claim for the work that was required
Managing Agent's fees of £300	£110 + VAT offered	A similar fee has been upheld by another tribunal	We have considered the invoice from Eagerstates, the managing agent. We consider that this work duplicates some of what the solicitor has done (for example advising

			<p>the freeholder). Further, some of the work appears to be purely administrative, such as copying the leases. The only real work that was done appropriate to a managing agent is the reviewing of contracts, works, insurances etc. In such a straightforward building as this, this work will take very little time. Accordingly we allow £110 plus VAT.</p>
--	--	--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Mark Martyński, Tribunal Judge
11 July 2016