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

**Case reference** : **LON/00AG/OC9/2017/0184**

**Property** : **Flats 15 & 20 Trentishoe Mansions,  
90 Charing Cross Rd, London  
WC2H 0JE**

**Applicants** : **Lenn Thirion (Flat 20) & Mark  
Quinlan (Flat 15)**

**Representative** : **Comptons Solicitors**

**Respondent** : **(1)Cambridge Circle Limited  
(2)London Borough of Camden**

**Representative** : **(1)Veale Wasborough Vizards LLP  
(2)Paris Smith**

**Type of application** : **Costs**

**Tribunal member(s)** : **Judge Tagliavini**

**Venue** : **10 Alfred Place, London WC1E 7LR**

**Date of directions** : **13 February 2018**

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**DECISION**

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**The First-tier Tribunal determines that the costs payable by the Applicants are:**

Flat 15:

Legal costs of First Respondent: £1,681.50 (plus VAT).

Legal costs of Second Respondent £775 (plus VAT).

Valuation costs: £1,200 (plus VAT).

Land Registry fee: £3.00.

Flat 20:

Legal costs of First Respondent: £1,622.50 (plus VAT).

Legal costs of Second Respondent: £775 (plus VAT).

Valuation costs: £1,200 (plus VAT).

Land Registry fee: £3.00.

**The Application**

1. This is an application made by the Applicants pursuant to section 60 of the Leasehold and Reform Housing and Urban Development Act 1993 (“the Act”), seeking the tribunal’s determination of the costs recoverable by the First Respondent from the Applicants in connection with the application for a lease extension of the subject properties.

**Background**

2. The substantive application for a lease extension of the subject properties was agreed between the parties and without a determination by the First-tier Tribunal (FTT). Subsequently, the First Respondent seeks relevant costs in the sum of £2,940.00 (including VAT) per flat together with valuer’s fees of £2,100 (including VAT) per flat and £3.00 for Land Registry official copy of title per flat. The Second Respondent seeks legal costs of £775 plus VAT per flat, which are not disputed by the Applicants.\*

*\*For drafting of leases and preparation of engrossments*

**The Applicants’ case**

3. The Applicants provided the FTT with two witness statements dated 21 December 2017 and 25 January 2018 in support of their case, that the costs sought by the First Respondent are excessive. It is submitted by the Applicants that there is a duplication of work, the level of fee earners used has been unnecessary and the fee for the valuation report exceeds the £450 plus VAT, paid by each of the Applicants. Consequently, the Applicants contend that the legal costs payable are £1,686.80 (including VAT) and £1, 537 (including VAT) for Flats 15 and 20 respectively pursuant to sections 60(1)(a) and (c) of the Act. Further, the Applicants submit valuation costs pursuant to section

60(1)(b) of the Act should permit the First Respondent to recover £850 plus VAT should be allowed.

### **The First Respondent's case**

4. In a witness statement dated 4 January 2018 a detailed breakdown of the costs sought was provided by the First Respondent together with a justification of the amounts sought. In respect of Flat 15, legal costs of £3,323.40 (including VAT) were itemised but limited to £2,940 (including VAT) as the other costs fell outside of the ambit of the section 60 costs. In respect of Flat 20, itemised legal costs of £3,163.80 (including VAT) are sought but again limited to £2,940 (including VAT). Valuation costs of £2,100 (including VAT) were sought in respect of each Flat together with the Land Registry fee of £3.00 per flat.
5. The First Respondent asserts that the two lease extension applications and resulting costs should be treated entirely separately, and the FTT should note two separate visits by the valuer had to be carried out for the preparation of the two validation reports. The use of the valuer (JSRE Partners) and their solicitors was of many years duration and the First Respondent should not be penalised by using their professionals of choice. The costs incurred by the Applicants should not be used as a benchmark for determining the Respondent's higher costs.

### **The FTT's decision and reasons**

6. In making its decision the FTT has regard to the provisions of the 1993 Act and considers the application of section 60(1)(a)(b) and (c). The tribunal cannot determine on the information provided that there were any particularly complicated or time consuming features about these applications for a lease extension. Consequently, the FTT determines that the use of a senior partner at £355 per hour is unnecessary, where a Senior Associate at £295 per hour was also used and who would be able to carry out all of the required work. Therefore, the FTT allows the sum of £1,681.50 (plus VAT) for the legal costs of Flat 15 and £1,622.50 for the legal costs of Flat 20. This sum represents all of the costs claimed in respect of the work carried out by a Senior Associate except for the correspondence in relation to a new lease, as the FTT finds there this does incorporate both work not provided for by section 60 and some duplication of work with the Second Respondent's representatives.
7. In determining the sum payable in respect of the First Respondent's valuation fees, the FTT has been offered no justification for the sums charged other than two visits were required (one per flat). Drawing upon its knowledge and expertise, the FTT finds that the sum of £1,250 (plus VAT) per flat is allowable in respect of each valuation. The FTT does not accept the Applicant's argument that there should be some 'economy of scale', and finds that each valuation is required to have been carried out individually, as if the application came to be

determined by the FTT, it would expect the valuer to properly be able to justify each individual report. Further,

### **Conclusion**

8. The FTT determines that the following costs are recoverable by the Respondents from the Applicants:

#### **Flat 15:**

Legal costs of First Respondent: £1,681.5 (plus VAT).

Legal costs of Second Respondent £775 (plus VAT).

Valuation costs: £1,250 (plus VAT).

Land Registry fee: £3.00.

#### **Flat 20:**

Legal costs of First Respondent: £1,622.50 (plus VAT).

Legal costs of Second Respondent: £775 (plus VAT).

Valuation costs: £1,250 (plus VAT).

Land Registry fee: £3.00.

Signed: Judge Tagliavini

Dated: 13 February 2018