

Residential
Property
TRIBUNAL SERVICE

**Ref LON/00AG/OC9/2011/0080
LEASEHOLD VALUATION TRIBUNAL FOR THE LONDON RENT
ASSESSMENT PANEL**

**LEASEHOLD REFORM, HOUSING & URBAN DEVELOPMENT ACT 1993 -
SECTION 91 & 33**

Property: 56 ALBERT STREET, LONDON, NW1 7NR

Applicants: 56 Albert Street Limited

Respondent: Mr James David Williams

Application date: 25/11/2011

Members of the Leasehold Valuation Tribunal:

Mr. D Banfield FRICS

**Date of Tribunal's
Decision: 18th January 2012**



**LEASEHOLD VALUATION TRIBUNAL for the
LONDON RENT ASSESSMENT PANEL**

DETERMINATION BY THE LEASEHOLD VALUATION TRIBUNAL

**LEASEHOLD REFORM, HOUSING AND URBAN DEVELOPMENT ACT 1993
(Sections 91 & 33)**

REF: LON/00AG/OC9/2011/0080

Address: 56 Albert Street, London, NW1 7NR

Applicants: 56 Albert Street Limited.

Respondent: James David Williams.

Tribunal: D Banfield FRICS

DECISION

To disallow the sums of £24 and £12 in respect of disbursements. Not to award costs.

1. By an application dated 25 November 2011 the Applicants disputed the Respondent's costs in respect of the enfranchisement of the freehold interest in the property. Costs were indicated to amount to a total of £3,540 of which the Applicant considered £600 to be reasonable for surveyors' fees and £1,200 for legal fees.

2. Directions were issued requiring that a detailed statement of costs claimed in accordance with section 33(1) of the Leasehold Reform, Housing and Urban Development Act 1993 be submitted to the tenant by 15th December 2011 and that a detailed statement in reply be sent to the landlord by 29th December 2011. Bundles of documents were then to be submitted to the Tribunal by 5 January 2012.
3. The Tribunal indicated that unless a request for an oral hearing was made the matter would be decided on the papers during the week commencing 16 January 2012.
4. No request for an oral hearing has been received and the matter is therefore determined on the bundle received under a covering letter dated 3 January 2012.
5. At divider 2 of the bundle is a statement of costs submitted on behalf of the Applicant. No explanation is given as to the relevance of these costs to the matter before the Tribunal and how they come within the jurisdiction of the Tribunal. As such we decline to make any determination on this aspect.
6. At divider 3 the respondent provides a detailed schedule of costs under Sections 33.1 a, b, c and e. totalling £2,496 inclusive of VAT and disbursements of £36. No reference is made to any claim for surveyors' fees.
7. At divider 4 is the applicant's statement of reply detailing the amounts claimed for each item, the applicant's comments and the amounts considered to be reasonable totalling £1,380 apparently excluding VAT. No reference is again made to surveyor's fees.
8. The remainder of the bundle includes correspondence between the parties, copy lease's, Transfer etc.

The Tribunal's determination

9. S 33(1) of the Act states:

“(1) Where a notice is given under section 13, then (subject to the provisions of this section and sections 28(6), 29(7) and 31(5) the nominee purchaser shall be liable, to the extent that they have been incurred in pursuance of the notice by the reversioner or by any other relevant landlord, for the reasonable costs of and incidental to any of the following matters, namely-

- (a) any investigation reasonably undertaken –**
 - (i) of the question whether any interest in the specified premises or other property is liable to acquisition in pursuance of the initial notice, or**
 - (ii) of any other question arising out of that notice;**
- (b) deducing, evidencing and verifying the title to any such interest;**
- (c) making out and furnishing such abstracts and copies as the nominee purchase may require;**
- (d) any valuation of any interest in the specified premises or other property;**

(e) any conveyance of any such interest;.....

(2) For the purposes of subsection (1) any costs incurred by the Reversioner or any other relevant landlord in respect of professional services rendered by any person shall only be regard as reasonable if and to the extent that costs in respect of such services might reasonably be expected to have been incurred by him if the circumstances had been such that he was personally liable for all such costs”

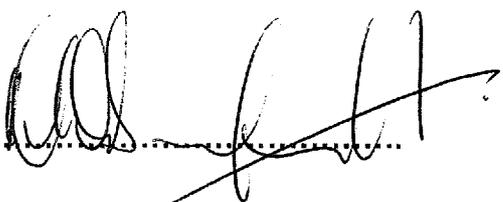
10. No challenge has been made to the hourly rate charged. The remaining challenge is that the time taken on various aspects is excessive and that the cost of £24 for Office copy entries was unnecessary as they had been provide by the Applicant and the £12 for telegraphic transfer was unnecessary.

11. The Tribunal is not required by the Act to conduct a forensic examination of costs, such as might be required of a Costs Judge in a High Court action. The Tribunal considered the evidence and submissions made.

12. The tribunal have considered the submissions made by both parties and, subject to the exceptions set out below accept the explanation given by the Respondent as to the various charges subject to challenge. The exceptions are;

- a) Disbursement of £24in respect of Office Copy Entries which are accepted as unnecessary.
- b) £12 in respect of telegraphic transfer which is considered to be unnecessary.

13. Despite the surveyor’s fee being challenged by the Applicant no evidence has been provided by either party as to the basis of the challenge or in justification of the amount charged. It seems clear from the papers submitted that a valuer was instructed at a cost of £1,000 plus VAT. In the absence of any submissions as to the Reasonableness of this amount the sum is allowed in full.

CHAIRMAN.....

DATE...18 January 2012.....