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**HM COURTS AND TRIBUNALS SERVICE
LEASEHOLD VALUATION TRIBUNAL**

Case No: CHI/00ML/OC9/2013/0001

Between:

Harwood Properties Limited

(Applicant)

and

Patrick Geoffrey Mark David

(Respondent)

**In the Matter of Section 91(2) of the Leasehold Reform Housing and
Urban Development Act 1993 (“the Act”)**

Premises: Flat 5, 15 Bedford Square, Brighton, East Sussex BN1 2PN (“the
Premises”)

Date of Determination: 29th April 2013

Tribunal: Mr D. Agnew BA LLB LLM (Lawyer/Chairman)

DETERMINATION AND REASONS

Background

1. On 15th January 2013 the Applicant, through its solicitors, Dean Wilson, applied to the Tribunal for a determination as to the amount of costs payable by the Respondent to the Applicant pursuant to sections 60 and 91(2) of the Act following an abortive attempt by the Applicant to seek a new lease of the Premises.
2. Directions were issued on 23rd January 2013 which provided for the matter to be dealt with by way of written submissions alone without an oral hearing and that a single Chairman of the Tribunal could make the determination. Neither party objected to that procedure being adopted.
3. The Directions also provided for the Applicant to supply details of the costs sought and for the Respondent to file and serve points in dispute. The Applicant’s solicitors complied with those Directions but no points of dispute were received from the Respondent by the due date or at all.

4. **The Applicant's Costs.**

The Applicants filed in support of their application a witness statement by the solicitor who dealt with the matter on behalf of the Applicant, a copy of the Official Copies of the Land Registry obtained by her, a copy costs schedule and time recording print out and a copy invoice for a disbursement being the managing agents' charges for attending to this matter. The solicitor's charge-out rate was £225 per hour and the solicitor's charges amounted to £585 plus vat. The disbursements were Land Registry fees of £24 and managing agents' fees of £300 plus vat. The managing agents' charge out rate was £220 plus vat per hour and they say they were involved for 1 hour 20 minutes in corresponding with the Respondent and the Landlord's solicitor in respect of two defective Notices.

5. **The Respondent's objections.**

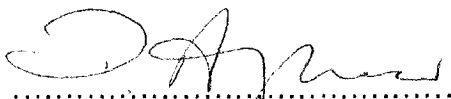
As stated above, the Respondent filed no objections to the costs sought.

6. **The Tribunal's determination.**

The Tribunal finds that the time spent by the Applicant's solicitors in carrying out the work they reasonably were required to do on behalf of their client in response to the Notice of Claim was reasonably incurred at a reasonable charging rate for this sort of technical work. Although the managing agents' charging rate seems high in comparison with that of the solicitors no objection has been received from the Respondent and so the Tribunal has no reason to reduce the amount charged for the work they did in respect of two abortive Notices of Claim.

7. Consequently, the Tribunal finds that the Respondent must pay the Applicant the total sum of £1086 made up as to £585 solicitors' fees, £300 for the managing agents' fees, vat on the foregoing of £177 and Land Registry fees of £24. Vat will, however, only be payable if the Applicant is not registered for vat. For the sake of completeness the Tribunal does not find that the sum to be paid by the Respondent exceeds what the Landlord would reasonably expect to pay if it was personally liable for the costs (section 60(2) of the Act).

Dated this 29th April 2013.



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D. Agnew BA LLB LLM
Chairman