



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

Case Reference : **LON/00AY/OC9/2014/0023**

Property : **Flat 3, 56 Kestrel Avenue, London,
SE24 0EB**

Applicants : **Buckford Estates Ltd**

Representative : **Wallace LLP, Solicitors**

Respondent : **Louise Mary Olverson**

Representative : **Haslam & Payne, Solicitors**

Type of Application : **Section 91 of the Leasehold
Reform, Housing and Urban
Development Act 1993**

Tribunal Member : **Judge I Mohabir**

**Date and venue of
Decision** : **23 July 2014
10 Alfred Place, London WC1E 7LR**

DECISION

- (4) A tenant shall not be liable for any costs under this section if the tenant's notice ceases to have effect by virtue of section 47(1) or 55(2).
- (5) A tenant shall not be liable under this section for any costs which a party to any proceedings under this Chapter before a leasehold valuation tribunal incurs in connection with the proceedings.
- (6) In this section "relevant person", in relation to a claim by a tenant under this Chapter, means the landlord for the purposes of this Chapter, any other landlord (as defined by section 40(4)) or any third party to the tenant's lease.

Decision

6. The Tribunal's determination took place on 23 July 2014 and was based solely on the written representations filed by the parties. The Tribunal's approach was to conduct what effectively amounts to a detailed assessment.
7. This matter concerned a section 42 claim notice served on behalf of the Respondent dated 10 July 2013. The notice was signed by the Respondent's solicitor. The Applicant contended that the notice was invalid because it had not been personally signed by the Applicant. Without prejudice to this contention, the Applicant served a counter notice on 12 September 2014. On 13 September 2014, the Applicant conceded that the claim notice was invalid and the Applicant now seeks to recover its statutory costs. It is against this background that the Tribunal makes this determination.

Fee Earner & Hourly Rate

8. Whilst this may have appeared to be a relatively straightforward matter, the Tribunal's view was that a scrutiny of the claim notice by a fee earner with the requisite knowledge and experience in what is a highly technical area of law was appropriate. Indeed, this is perhaps the reason why the claim notice served on behalf of the Respondent was invalid. Therefore, the Tribunal concluded that the grade of fee earner and hourly rates claimed by the Applicant were reasonable.
9. Having carefully considered the schedule of costs prepared by the Applicant, the Tribunal concluded that all of the work carried out had been reasonably incurred save for the following two items of cost.
10. The attendance claimed on 3 September 2013 for the preparation of the draft lease is disallowed. In the circumstances of this matter, it was not necessary for the Applicant's solicitors to undertake this work until the counter notice had been served and the validity of the claim notice had been resolved.
11. The letter written to the Applicant's valuer on 12 September 2014 is also disallowed. As stated earlier, this was a straightforward matter and once the

valuation report had been obtained and the counter notice served, it is difficult to imagine why it was necessary to correspond further with the valuer.

Disbursements

12. The courier costs of 4.50 are allowed as reasonable as it was necessary for the counter notice to be served by this method given the imminent expiry of the time limit to do so.

Valuation costs

13. The Tribunal found the valuation fee of £497.90 plus VAT of £99.18 to be eminently reasonable and was allowed. Valuation fees for the preparation of a report are often within the range of £750 to £1,500 plus VAT.
21. Accordingly, the Tribunal determined that the total costs payable by the Applicants under section 60 of the Act are legal costs of £1,426 plus VAT of £285.20 and disbursements of £4.50 and valuation costs of £497.90 plus VAT of £99.18

Judge I Mohabir

23 July 2014