



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

**Case Reference** : CHI/45UF/OC9/2020/0018

**Property** : 8 Bishopric Court, Horsham RH12 1TH

**Applicant** : Brickfield Properties Limited

**Representative** : Wallace LLP

**Respondent** : (1) David James Worsfold  
(2) B & E Estates Limited

**Representative** : Taylor Rose TTKW

**Type of Application** : Landlord's costs lease extension

**Tribunal Member(s)** : Judge D. R. Whitney

**Date of Determination** : 5<sup>th</sup> March 2021

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DETERMINATION

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## **Background**

1. The Applicant seeks a determination of the statutory costs due to them for service of an Initial Notice dated 12<sup>th</sup> April 2019.
2. Directions were given listing the matter for a case management hearing. Directions were issued on the 27<sup>th</sup> November 2020 for the determination of this matter.
3. A statutory notice seeking a lease extension was served on behalf of the First Respondent. This provided that the name and address for service in connection with that application was Taylor Rose TTKW. A counter notice was served disputing the right to acquire a new lease and it would appear no court or tribunal proceedings were begun within the required period. The Applicant seeks their statutory costs.
4. The Applicant has complied with the directions. No response has been received from either Respondent. The Tribunal has received an electronic bundle and references in [] are to pages within that bundle.

## **Determination**

5. The Application sets out the costs claimed as follows:

Legal costs £2,400  
Intermediate leaseholder's costs £312  
Valuers costs £600  
Disbursements £55.80

Total £3367.80

6. Details of the costs are found in a letter to Taylor Rose TTKW Solicitors [88] and within the application [8]. A breakdown of the amount and relevant invoices is within the bundle [75-86].
7. The background is that Notice was served by a leaseholder Mr David James Worsfold dated 12<sup>th</sup> April 2019 [13-15]. The Notice provided that Taylor Rose TTKW Solicitors ("TR") were the person appointed to deal with the Notice and their address was given for service. A counter notice was served disputing various matters and as a result of the fact no court or tribunal proceedings were begun within the required time periods the claim was deemed withdrawn.
8. The Bundle contains Land Registry entries. The freeholder, City and Country Properties Limited played no part as the competent landlord was the Applicant who hold a long lease over the subject

Property. There was also an intermediate leaseholder Fencott Limited whose solicitors seek a modest sum by way of costs.

9. It appears from Land Registry entries [62 and 63] that Mr Worsfold sold his interest to the Second Respondent on 1<sup>st</sup> May 2019 with their interest being registered on 10<sup>th</sup> May 2019. It appears then on 4<sup>th</sup> July 2019 the Second Respondent assigned its interest to Omon Stellamans Fabamigbe. I set this out by way of explanation.
10. TR's address was given for service although it seems from correspondence within the bundle that they acted for the Second Respondent. Within an email dated 31<sup>st</sup> March 2020 [93] Mr J Grunhut the solicitor with conduct at TR confirmed the benefit of the Notice had been assigned by the First Respondent to the Second Respondent. Mr Grunhut simply asserted his client had sold its interest in the Property.
11. Copies of these proceedings were sent to the Respondents at TR. No response has been received, despite the Tribunal directions requiring TR to confirm whether or not they remain instructed.
12. I am satisfied that both Respondents have received copies of this application and the directions. TRs address was that given within the Initial Notice. TR have been invited to communicate on this issue, including whether they remain instructed. In my judgement it is appropriate to determine this application as to the level of reasonable costs.
13. I have considered whether both parties are properly Respondents. Plainly the First Respondent as the person who gave the Notice is properly named. As to the Second Respondent given the correspondence from TR (some of which is referenced above) acknowledging that an assignment had taken place to the Second Respondent and that TR acted on their behalf I am satisfied that they are properly named as a Respondent.
14. Turning to the legal costs I have considered carefully all of the documents within the bundle including the breakdown of costs and the hourly rates utilised. The solicitors for the Applicant are Central London based specialist solicitors. The hourly rates are £495 for a partner, £395 for an assistant solicitor and £200 for a paralegal all per hour and subject to VAT. The total time spent is 4 and a half hours which included preparation of a counter notice and draft lease. Certain modest disbursements were also incurred for which invoices are attached.
15. Whilst certainly the hourly rates are at the higher end of the scale of rates which would be allowed, I am on this occasion persuaded that the costs claimed are reasonable.

16. I note a modest charge is included for the Intermediate leaseholder's solicitors. In my judgment this charge is reasonable.
17. I have also considered the valuation fee. In my judgment a fee of £500 plus VAT is modest. It is in my opinion reasonable.
18. I determine the reasonable cost payable to the Applicant under Section 60 of the Leasehold Reform Housing and Urban Development Act 1993 in respect of Initial Notice dated 12<sup>th</sup> April 2019 served by David James Worsfold is £3367.80.

### **RIGHTS OF APPEAL**

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at [rpsouthern@justice.gov.uk](mailto:rpsouthern@justice.gov.uk) being the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28 day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.

