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

Case Reference : **BG/LON/00AG/OC9/2014/0132**

Property : **47 Woodsome Road, London NW5
1SA**

Applicant : **John Watt Dollar**

Representative : **In person**

Respondent : **The Mayor and Burgesses of the
London Borough of Camden**

Representative : **Paris Smith LLP, solicitors**

Type of application : **For the determination of the
landlord's recoverable costs
incurred in pursuance of a claim to
acquire the freehold**

Tribunal: **Margaret
Wilson**

Date of determination:
18 December 2014

(b) deducing, evidencing and verifying the title to any such interest;

(c) making out and furnishing such abstracts and copies as the nominee purchaser may require;

(d) any valuation of any interest in the specified premises or other property;

(e) any conveyance of such interest.

4. By section 33(2), costs incurred by a landlord in respect of professional services shall be regarded as reasonable only to the extent that such costs might reasonably have been expected to have been incurred if the landlord was personally liable for the costs.

The issues

5. In his statement Mr Dollar said that this was a straightforward enfranchisement and that an adjustment from the costs which might otherwise be reasonable should be made to reflect the fact that a claim he had made in 2008 to acquire the freehold had been deemed withdrawn and that much of the necessary work had already been done in connection with the previous claim. He said that the investigation and valuation fees "seemed high", that he had paid the Land Registry fees in respect of the leaseback, and that the leaseback was a standard document requiring minimal work to tailor it to the division of the communal garden and the inclusion of part of the garden in the leaseback. He said that the registration of the leaseback was a matter of a few minutes' work.

6. Paris Smith LLP for the landlord said that the landlord claimed legal fees of £1350 plus VAT, £6 Land Registry fees for official copy entries, £40 Land Registry fees for the leaseback of Flat 47A, a Claim Investigation Fee payable to the landlord of £406 and a valuation fee of £500.

7. They said that the landlord required all client instructions to be taken by a partner but that all correspondence was dealt with by a legal assistant, and that where possible all documentation was prepared by a legal assistant and checked by the solicitor in charge in order to keep costs to a minimum. They said that it would have been inappropriate for the firm to have relied on work done as long ago as 2008 in connection with the previous claim. They said that the fees billed to the landlord in respect of the present claim amounted to £2039.50 but that the landlord sought to recover from Mr Dollar legal fees falling within section 33 of the Act of only £1350 because there was some element of duplication arising from its instructions that the partner should sign off work carried out by an assistant solicitor. They said that a fee of £100 plus VAT for registering the purchase of the freehold was outside the scope of section 33 and ought not therefore to be determined by the Tribunal and was

for work which would normally have been carried out by the nominee purchaser but which Mr Dollar had asked them to carry out on his behalf.

8. They said that in addition to legal fees for work carried out by them the landlord charged a fee of £406 "Claim Investigation Fee" which it charged for all its statutory enfranchisements and which covered the cost of its Leaseholder Services Team in receiving the claim, retrieving files from its archive and instructing solicitors. They submitted that such a fee was reasonable in the circumstances because the landlord was a public body which could not use public money to fund enfranchisements.

9. They said that the valuation fee of £500, free of VAT, for a valuation by the landlord's in-house valuer was reasonable by comparison with fees which would be normally charged for valuations of this type carried out by an independent valuer.

10. I have considered the schedule of legal costs and have found no items which fall outside the scope of the costs recoverable under the Act. The hourly rates charged by the solicitors (£265 plus VAT for the partner concerned and £165 and £80 respectively for two assistant solicitors) are reasonable. In the absence of a specific challenge from Mr Dollar I accept that the landlord's Claim Investigation fee is reasonable and I see no reason to disallow the valuation fee which is less than would be charged by an external valuer. I accept the submission that the work in connection with the present claim would have to be carried out afresh and that no discount falls to be made arising out of the work done in connection with the previous claim which was made five years before the present claim. I also accept that the registration of the transfer falls outside the Act and that I do not have jurisdiction to determine its reasonableness.

11. I therefore determine that the recoverable costs are as sought by the landlord, namely legal fees of £1350 plus VAT, £6 Land Registry fees for official copy entries, £40 Land Registry fees for the leaseback of Flat 47A, a Claim Investigation Fee payable to the landlord of £406 and a valuation fee of £500.

Judge: Margaret Wilson