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

**Case Reference** : LON/00AC/OC9/2016/0079

**Property** : 15 Jenner House, Hunter Street  
London WC1N 1BL

**Applicant** : Mr D Dedman

**Representative** : Mr M Dedman

**Respondent** : Deritend Investments (Birkdale)  
Ltd

**Representative** : Wallace LLP

**Type of Application** : Costs under s60 Leasehold Reform  
Housing and Urban Development  
Act 1993

**Tribunal Members** : Mrs F J Silverman Dip Fr LLM

**Date and venue of hearing** : 18 April 2016, 10 Alfred Place,  
London WC1E 7LR

**Date of Decision** : 18 April 2016

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**DECISION**

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The Tribunal allows the Respondent the sum of £4222,80 including VAT in respect of its costs under s60 Leasehold Reform Housing and Urban Development Act 1993. This sum includes land registry fees (£60.00) and valuer's costs (£1,080). This sum is payable by the Applicant .

- 8 It was also argued by the Applicant that the hourly charging rates were too high and to support this contention he relied on an outdated 2010 court guideline for the assessment of costs.
- 9 The Respondent emphasised that although they do act frequently for this client and its group of companies, every transaction is different and discrete and needs to be considered on its own merits. It was important to examine properly the initial notice and ensure its validity (or otherwise) in order to progress the matter further. Similarly, it was necessary to obtain official copy entries of the title as soon as possible in order to be able to instruct a valuer within the time restraints imposed by the legislation. It was stated that leasehold enfranchisement work is a detailed and complex area of law which justifies the attention of an experienced solicitor. The Respondent stated that their hourly rates were not unreasonable in the context of this type of work and, while recognising that Tribunal decisions do not create binding precedent, pointed out that similar charging levels had been accepted by the Tribunal in other cases.
- 10 Having considered both parties' submissions the Tribunal finds that the Respondent's solicitors' charging rates are within the bands currently charged by central London firms for this type of transaction and that it is appropriate for such a matter to be dealt with by a senior fee earner. The Respondent's solicitors' charging rates are therefore allowable.
- 11 Overall, the Tribunal considers that the amount of time spent by the Applicant's solicitors on this matter is reasonable and justified in the circumstances. An amount of £270 is however deducted from the total sum claimed by the Respondent because it relates to the preparation of the counter-notice and as such is not recoverable under s60.
- 12 The surveyor's fees for valuation appear to the Tribunal to be within the bands of reasonable fees normally charged for this type of work.
- 13 The Tribunal accepts that the land registry fee of £60 is an allowable disbursement and properly payable by the Applicant. It accepts the Respondent's argument that use of a courier for service of notices is entirely reasonable to ensure that the notice is validly served. However, in this case the sum claimed (£195.60) is not recoverable because it relates to service of the counter-notice which itself is not allowable under s60.

#### 14 The Law

Leasehold Reform Housing and Urban Development Act 1993 s 60(1)

Costs incurred in connection with new lease to be paid by tenant.

'(1)Where a notice is given under section 42, then (subject to the provisions of this section) the tenant by whom it is given shall be liable, to the extent that they have been incurred by any relevant person in pursuance of the notice, for the reasonable costs of and incidental to any of the following matters, namely—

(a)any investigation reasonably undertaken of the tenant's right to a new lease;

(b)any valuation of the tenant's flat obtained for the purpose of fixing the premium or any other amount payable by virtue of Schedule 13 in

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.