241

LEASEHOLD VALUATION TRIBUNAL
OF THE
MIDLAND RENT ASSESSMENT PANEL

Case No: BIR/00C5/0C6/2003/0084

DECISION OF LEASEHOLD VALUATION TRIBUNAL

ON AN APPLICATION UNDER SECTION 21
OF THE LEASEHOLD REFORM ACT 1967
TO DETERMINE THE REASONABLE COSTS
PAYABLE UNDER SECTION 9(4) OF THE ACT.

Applicant Tenants: Ronald James Kingham and Sheila Rosina Kingham

Respondent Landlord and Freeholder: Perimeter Properties Limited

Property: 279, Old Walsall Road, Great Barr, Birmingham, West Midlands B42 1HY

Date of Tenants Notice
(under Section 8 of the Act): 6th January 2003

Application to Tribunal dated: 9th September 2003

Heard at: Birmingham

On: 30th October 2003

APPEARANCES:
For the Applicant: Mr Anthony Brunt (of Brunt & Co., Valuers)

For the Respondent: No Appearance.

Members of the Leasehold Valuation Tribunal:

Mr A.J. Engel (Chairman)
Mr I.D.Humphries FRICS
Mr D. Underhill

Date of Tribunals decision:

18 NOV 2003

Background

1. By Notice, dated 6th January 2003, the Tenants gave the Landlord (who was also the Freeholder) notice of their desire to have the freehold of the property.

2. On 21st October 2003, a Leasehold Valuation Tribunal determined the price payable for the freehold in the sum of £795 "plus the freeholders' reasonable costs calculated in accordance with section 9(4) of the 1967 Act and paragraph 5 of Schedule 22 to the Housing Act 1980".

3. By Notice, dated 9th September 2003, Mr A. Brunt (of Brunt & Co., Valuers), on behalf of the Tenants, applied, under Section 21 of the 1967 Act for the Landlord's reasonable costs to be determined by a Leasehold Valuation Tribunal. This application was dealt by this Tribunal, which was differently constituted from the Tribunal referred to in Paragraph 2 above – save that Mr Underhill was a member of both Tribunals.

Documentary Evidence

4. Prior to the hearing (on 30th October 2003), Mr Brunt sent the Tribunal a copy of a letter from Solicitors acting for the Landlord agreeing with the proposal (made in the Notice, dated 9th September 2003) of £250 in respect of legal fees.

Hearing

5. A hearing took place at the Panel Offices in Birmingham on 30th October 2003. Mr Brunt appeared for the Tenants. No-one appeared on behalf of the Landlord.

6. Mr Brunt agreed that (if chargeable) VAT should be added to the £250 agreed in respect of legal fees.

7. Mr Brunt submitted that there was no evidence that the Landlord had incurred valuation fees or any other costs of or incidental to the matters listed in Section 9(4) of the 1967 Act.

8. The Tribunal accepted Mr Brunt's submission.

Decision

9. The amount of costs payable by the Tenants under Section 9(4) of the 1967 Act shall be limited to £250 (Two hundred and fifty pounds) in respect of legal costs (plus any VAT thereon, if applicable). No other costs are payable by the Tenants under Section 9(4) of the 1967 Act.

Dated 18 NOV 2003

A. J. Engel.

(A.J.ENGEL – Chairman)