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Residential  
Property  
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Ref: LON/00AW/OC9/2010/0005

**LEASEHOLD VALUATION TRIBUNAL FOR THE LONDON RENT  
ASSESSMENT PANEL**

**DECISION OF THE LEASEHOLD VALUATION TRIBUNAL ON AN  
APPLICATION UNDER SECTION 91 of the LEASEHOLD REFORM,  
HOUSING AND URBAN DEVELOPMENT ACT 1993, IN RELATION TO  
COSTS UNDER SECTION 60**

**Property:** 60, 65,73 AND 74 CAMPDEN HILL LONDON W8  
7DB

**Applicants:** ANTHEA MARY INWARDS

**Represented by:** Messrs Bircham Dyson Bell

**Respondent:** KENNET PROPERTIES LIMITED

**Represented by:** Messrs Shoosmiths

**Application date:** 25<sup>th</sup> January 2010

**Date of paper determination:** 22<sup>nd</sup> March 2010

**Date of Tribunal's  
decision:** 22<sup>nd</sup> March 2010

**Members of the Leasehold Valuation Tribunal:**

Mrs T I Rabin JP  
Mr F Coffey FRICS  
Mr L Packer

## FACTS

1. This is an application for the determination of the landlord's reasonable costs under section 60 of the Leasehold Reform, Housing and Urban Development Act 1993 ("the Act").
2. The Applicant tenant is Anthea Mary Inwards and the Respondent landlord is Kennet Properties Limited and it relates to Flat 60 Kensington Heights Campden Hill Road London W8 7BD. ("the Property"). The Applicant made an application under Section 42 of the Act for the lease of the Property to be extended. An application had been made for the enfranchisement of the freehold under Section 13 of the Act to which the Applicant was not a party. Accordingly, the Respondent served a notice under Section 54(3) of the Act suspending the Section 42 Notice pending the transfer of the freehold to the nominee purchasers who had made the Section 13 application.
3. Both parties made written submissions which the Tribunal carefully considered. It was noted that a Mr T Brookes undertook all work for which he made a charge of £310 per hour. The Tribunal concluded that the level of salary indicated a partner with commensurate knowledge of the matter in hand.
4. The Tribunal agrees that the Respondent is entitled to charge for the service of the Section 54(3) Notice, as this was effectively a counter notice to the Section 42 Notice served by the Applicant.
5. The Respondent's solicitors put their costs at £1,395 plus VAT covering four and a half hours in dealing with the consideration of the Section 42 Notice and the service of the Section 54(3) Notice. The Respondent's solicitors were fully aware of the background to the proposed enfranchisement and that a Section 54(3) Notice would need to be served.
6. The Tribunal considers that a person with the experience of a partner as evidenced by the hourly rate could have considered the contents of a Section 42 Notice in .50 of an hour, rather than the .90 of an hour claimed. Similarly one hour would be ample for preparation of a counter notice (readily found in a

precedent book) which would include any necessary time for the partner to remind himself of the provisions of Section 54 of the Act. This is more appropriate than the figure of 3.60 hours claimed in the time ledger provided.

7. Since it is established law that the landlord is entitled to select the solicitors that they wish, the Tribunal will make no comment on the hourly rate other than to note that it is at the higher end of the scale.

### CONCLUSION

18. The Tribunal determines that the landlord's reasonable costs are £465.00 together with VAT at the appropriate rate



Tamara Rabin

Chairman

22<sup>nd</sup> March 2010