

284.



HM Courts
& Tribunals
Service



Residential
Property
TRIBUNAL SERVICE

London Rent Assessment Panel

**DECISION OF THE LEASEHOLD VALUATION TRIBUNAL ON AN
APPLICATION UNDER S 88 COMMONHOLD AND LEASEHOLD REFORM
ACT 2002**

Case Reference: LON/00BK/LCP/2012/0009

Premises: 45 Hamilton Terrace, London NW8 9RE

Applicant : The Keepers and Governors of
the Possessions and Goods of the
Free Grammar School of John
Lyon in the Capacity as Trustee
of John Lyon's Charity

Representative: : Pemberton Greenish

Respondent : 45 Hamilton Terrace RTM
Company Limited

Representative : Wallace LLP

Date of Decision : 23 May 2012

Leasehold Valuation Tribunal : Mr John Hewitt
Mr Luis Jarero BSc FRICS

DECISION

Decision

1. The decision of the Tribunal is that the amount of costs payable by the Respondent to the Applicant pursuant to section 88 of the Act is the sum of £2,280.16.
2. The reasons for our decision are set out below.

NB Later reference in this Decision to a number in square brackets ([]) is a reference to the page number of the hearing file provided to us for use at the hearing.

The application

3. On 12 March 2012 the Applicant made an application pursuant to section 88 of the Act for costs to be assessed.
4. Directions were given on 15 March 2012 and provided for the Applicant to serve a schedule of the costs claimed, for the Respondent to serve points of objection thereon and for the Applicant to respond to those points.
5. The Directions also gave to the parties notice that the Tribunal proposed to determine the amount of costs payable on the papers (as it is empowered to do pursuant to Regulation 13) and stated that any request for a hearing should be made no later than 4 May 2012. The Tribunal has not received any request for a hearing.
6. Under cover of a letter dated 14 May 2012 the Applicant's solicitors submitted the hearing file and stated that the Respondent had not served any points of objection to the costs claimed.

Background matters

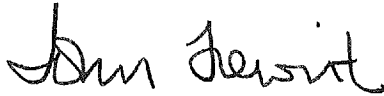
7. By a claim notice dated 19 January 2011 two qualifying tenants gave notice pursuant to the Act that the Respondent intended to acquire the right to manage the subject premises on 22 May 2011.
8. By a counter-notice dated 15 February 2011 the Applicant admitted that on 19 January 2011 the Respondent was entitled to acquire the right to manage.
9. Paragraph 3 of the Application Form sets out an accurate summary of section 88(1) of the Act which imposes costs consequences upon an RTM company where a claim notice is given to a landlord, and an accurate summary of section 88(2) which limits the costs so payable.
10. By letter dated 20 May 2011 [10] the Applicant's solicitors wrote to the Respondent's solicitors – Wallace LLP – making a claim to costs in the sum of £2,280.16. At [11-15] there are copies of letters sent to the Respondent's solicitors urging payment of the costs claimed; but evidently to no avail.
11. A breakdown of the costs claimed is at [16-18]. The tasks undertaken are described and the time taken is set out. Costs are claimed on a charge-out rate of £375 per hour.

Reasons

12. Having regard to our experience and expertise in these matters we are satisfied that a charge-out rate of £375 per hour is within the range that

can be regarded as reasonable for this type of specialised work in central London relating to high value properties. We are reinforced in this view having regard to guidance given by the Senior Courts Costs Office.

13. We have given careful consideration to the tasks undertaken and the time claimed and we find these are within the range to be expected and are considered reasonable.
14. The two expenses claimed - a courier's fee and a Land Registry fee were both reasonably incurred and are both reasonable in amount.
15. We bear in mind that the Respondent's solicitors are also very experienced in this type of specialised work and that no objections have been taken on the amount of costs claimed.
16. In these circumstances we assess costs in the sum of £2,820.16.



John Hewitt
Chairman
23 May 2012