

4159



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

**Case Reference** : **LON/00AQ/0C9/2016/0009**

**Property** : **33 Butler Avenue HA1 4EJ**

**Applicant** : **33 Butler Avenue (Freehold)  
Limited**

**Representative** : **Samuels & Co, Solicitors**

**Respondent** : **Mr James Gerard Carden**

**Representative** : **Self Representing**

**Type of Application** : **Application for determination of  
reasonable costs – flats and  
premises – Section 91(2)(d)  
Leasehold Reform, Housing and  
Urban Development Act 1993**

**Tribunal** : **Mr M Martynski (Tribunal Judge)  
Mr N Martindale FRICS**

**Date of Hearing:** : **9 March 2016**

---

**DECISION**

---

## Background

1. This matter arises out of the Applicant's claim to acquire the freehold of the subject premises from the Respondent. The Notice of Claim is dated 21 August 2014. The Counter-notice is dated 29 October 2014. That notice admits the right to collective enfranchisement but disputes the premium payable (premium now agreed but not paid).
2. The costs demanded by the Respondent's solicitors amount to £5479.60 including Surveyor's fees of £1150.

## The Application

3. The Applicant's application to this tribunal is dated 6 January 2016. Following directions given on the application, both parties filed Statements of Case. The Applicant requested a hearing for the determination.

## Decision

4. We summarise the disputed costs and our decisions in the table below.

Item No:	Minutes charged	Description of work and our decision
1	78	<i>Perusing initial instructions:</i> The objection was to the claim of 30 minutes for letters received, it is usual for that cost to be subsumed into the costs of the letters in reply. We agree that it is not reasonable to charge for letters in this way and the cost is disallowed.
2	150	<i>Instructions to surveyor:</i> The objection to this is that it is simply excessive. We agree, there is nothing in this property and the notice that would justify the time taken. The minutes allowed are reduced to 30.
3	60	<i>Liaising with landlord:</i> The objection was that there appeared to be overlap on the detailed breakdown of costs provided by the landlord's solicitor. We agree, there does appear to be duplication. We disallow the costs of this time.
4	60	<i>Review of valuation:</i> The objection to this is that it is simply excessive. We agree, the time allowed is 48 minutes.
5	60	<i>Preparation of counter-notice:</i> The objection was that this time was excessive for such a straightforward document. We agree, 48 minutes is allowed.
6	318	<i>Issue on roof space:</i>

		The objection was that there was no counter-proposal in the Counter-notice on this issue and the matter was therefore not in issue. The only point on roof space was valuation. We agree, the time on this is disallowed in total.
7	198	<i>Liaising with landlord as to valuation of loft space:</i> The above point was repeated as the objection. We agree, time disallowed.
8	Surveyor's costs	<i>Surveyor's costs:</i> These were surveyor's costs contained in a separate bill from the Surveyor which stated that it was in respect of negotiations. We do not accept the Respondent's explanation that this is part of the original valuation fee. The invoice is plain on its face that it relates to negotiations. The cost is disallowed.

5. We conclude therefore that the costs payable by the Applicant are limited to £2,369.40 including solicitor's and valuer's costs and disbursements and VAT.

**Mark Martynski, Tribunal Judge**  
**15 April 2016**