



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

Case reference : LON/00AL/OC9/2014/0103

Property : 133B Eglinton Road, London SE18
3SJ

Applicant : Mr David Orr

Representative : Housing & Property Law
Partnership Solicitors

Respondent : Fast Homes UK Limited (1)
Mr Jason Jones (2)

Representative : Bude Nathan Iwanier Solicitors for
the First Respondent

Type of application : Application for determination of
reasonable costs

Tribunal member(s) : Mr Jeremy Donegan (Tribunal
Judge)
Mr Luis Jarero BSc FRICS (Valuer
Member)

**Date and venue of
paper hearing** : 16 October 2014
10 Alfred Place, London WC1E 7LR

Date of decision : 16 October 2014

DECISION

Decisions of the tribunal

- (1) The tribunal determines that the costs payable by the Second Respondent to the Applicant, pursuant to 60(1) of the Leasehold Reform, Housing and Urban Development Act 1993 (“the 1993 Act”), are £1,826.40 (including VAT).

The application

1. The Applicant seeks a determination of the amount of costs payable by the Respondent pursuant to section 60(1) of the 1993 Act.
2. The application was received by the tribunal on 19 August 2014 and directions were issued on 22 August 2014. The directions included provision that the case be allocated to the paper track, to be determined upon the basis of written representations. None of the parties has objected to this allocation or requested an oral hearing. The paper determination took place on 16 October 2014.
3. The Applicant filed a bundle of documents in accordance with the directions that contained copies of the Initial Notice, Counter-Notice, application, directions, order of Central London County Court dated 12 February 2014, costs schedule and other supporting documents. The Respondents did not file any statement of case or costs submissions.
4. The relevant legal provisions are set out in the Appendix to this decision.

The background

5. The Applicant and the Second Respondent are the joint freeholders of 133 Eglinton Road, London SE18 3SJ HA7 3RF (“the Building”). The Second Respondent is missing and cannot be located.
6. The First Respondent is the leaseholder of 133B Eglinton Road, London SE18 3SJ (“the Flat”).
7. On 14 February 2014 Central London County Court made a vesting order under section 50(1) of the 1993 Act, providing that the First Respondent be granted a new lease of the Flat upon terms to be determined by this tribunal. The order also provided that the Second Respondent shall pay the Applicant’s costs of and incidental to the matters specified in section 60(1) of the 1993 Act, the amount of such costs to be determined by this tribunal.

8. The Applicant and the First Respondent subsequently agreed the terms of the new lease. The First Respondent has also agreed the costs being claimed by the Applicant under section 60(1) of the 1993 Act. However a costs determination from the tribunal is required, as it is the Second Respondent who is liable to pay these costs in accordance with the order dated 14 February 2014.

Evidence and submissions

9. The Applicant's solicitors provided the tribunal with a schedule of costs. The total sum being claimed is £1,525 plus VAT (total £1,826.40), which is broken down as follows:

Legal fees - £1,507 plus VAT (£1,808.40)

Land Registry fees - £18

10. The Second Respondent is missing and has not participated in these proceedings in any way.
11. The tribunal considered all of the documents in the hearing bundle when coming to its decision.

The tribunal's decision

12. The tribunal determines that the following costs are payable by the Second Respondent:

Legal fees - £1,507 plus VAT (£1,808.40) -

Land Registry fees - £18

Grand total - £1,826.40

Reasons for the tribunal's decision

13. In the absence of any challenge to the Applicant's costs, the tribunal agrees the charging rate of £220 per hour being claimed for the Applicant's legal costs, which is well below the guideline charging rate allowed in the County Court. It also allows all of the time claimed, which was reasonably incurred pursuant to section 60(1)(a) and (c) of the 1993 Act.
14. The tribunal allow the Land Registry fees in full, as these were reasonably incurred pursuant to section 60(1)(a) of the 1993 Act.

15. The tribunal has allowed the VAT charged on the Applicant's costs upon the assumption that the Applicant is not VAT registered. If this assumption is incorrect and the Applicant is able to recover the VAT charged then sum due should be adjusted accordingly.

Name: Tribunal Judge
Donegan

Date: 16 October 2014

Appendix of relevant legislation

Leasehold Reform, Housing and Urban Development Act

Section 60(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 connection with the grant of a new lease under section 56;
- (c) the grant of a new lease under that section;

but this section shall not apply to any costs if on a sale made voluntarily a stipulation that they were to be borne by the purchaser would be void.