



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

Case Reference : **BIR/41UB/OC6/2018/0008**

Property : **14 Lanehead Walk, Rugeley,
Staffordshire, WS15 2XD**

Applicant : **Paul Weston and Lisa Weston**

Representative : **Anthony Brunt & Co. Surveyors &
Valuers**

Respondents : **Wallace Group Reversionary
Group Holding Limited (1)
Wallace Properties Limited (2)**

Representative : **Stevensons, Solicitors**

Type of Application : **Application under Section
21(1)(ba) of the Leasehold Reform
Act 1967 (The Act) for a
determination of the landlord's
reasonable costs payable pursuant
to Section 9(4) of the Act.**

Tribunal Members : **Judge S McClure
Nick Wint FRICS**

Date of Decision : **13 December 2018**

DECISION

Decision

1. The Tribunal determines that the reasonable legal costs of the Respondents in dealing with the matters in section 9(4) of the Leasehold Reform Act 1967 are £1192.50 (plus VAT), together with valuer's fee of £525 (plus VAT), Land Registry Fee of £12 and postage of £6.40.

Background

2. The Applicant holds the property at 14 Lanehead Walk (the Property) by way of a lease dated 30 December 1970.
3. On 30 April 2018, following a determination by the Tribunal of the price payable by the Applicant for the freehold, the Applicant applied to the Tribunal for a determination of the Respondents' costs payable by the Applicant under section 21(1)(ba) of the 1967 Act.

Submissions

4. The Tribunal determined the matter on the basis of written submissions with supporting evidence, from the parties. The submissions of the Applicant were dated 19 October 2018, and of the Respondents, 24 October 2018.
5. The valuation fee of £525 plus VAT is agreed.
6. The Applicant did not challenge the hourly rate of £265.00, Land Registry costs, and postage. The amount of work incurred was challenged.

Reasons

7. The Applicant served two Notices of Claim upon the Respondent. It is accepted by the Applicant that the first Notice contained an error, in that the Respondent was named as Wallace Properties Limited instead of Wallace Group Reversionary Group Holding Limited. The Tribunal finds that the first incorrect Notice required the Respondent to undertake work for which the Applicant must pay. The Applicant accepted a modest amount of additional work. The Tribunal found a higher amount of additional work than that proposed by the Applicant was reasonably incurred.
8. The Applicant submitted that service of a Notice in Reply (counter-notice) does not come with paragraphs (a) to (d) of section 9(4) of the Act, relying on the 5th edition of Hague, page 170. The Tribunal finds that service of a Notice in Reply does come within those paragraphs,

and relies upon the case cited by the Respondents of *Sinclair Gardens Investment (Kensington) Limited v Wisbey [2016] UKUT 0203 (LC)*. The Applicant is responsible for the Respondents' reasonable costs of the counter-notice.

9. The Respondents' claimed costs and the Applicant's proposed costs are set out in the table below, together with the Tribunal's determinations. The Tribunal finds that the amount of work allowed by the Tribunal was reasonably incurred.

Re Notice of Claim dated 16 November 2017					
No.	Date	Item	Claimed	Offered	Tribunal
1	29/11/2017	Attendances on client	5	3	5
2	04/12/2017	Notices re title and deposit	2	0	2
3	08/12/2017	Considering lease and OCE	3	0	2
4	22/12/2017	Considering Tenant's notice	2	1	1
5	03/01/2018	Drafting counter notice	6	2	2
6		Letters out to client, valuer, etc	5	2	5
A	Total		23	8	17
Re Notice of Claim dated 1 February 2018					
7	01/02/2018	Attendances on client	3	2	2
8	02/02/2018	Considering lease and OCE	2	1	1
9	06/02/2018	Considering Tenant's notice	2	1	1
10	06/03/2018	Drafting counter notice	6	2	2
11	Estimated	Considering draft transfer	3	3	3
12	Estimated	Negotiating terms	5	3	5
13	Estimated	Further steps re transfer	3	2	3
14	Estimated	Checking engrossments	1	1	1
15	Estimated	Replying to requisitions	2	2	2
16	Estimated	Steps to completion	3	3	3
17	Estimated	Steps post completion	3	3	3
18		Letters out to client	4	2	2
B	Total		37	26	28

10. The total amount payable by the Applicant to the Respondents is:

A 17 units x £26.50	£450.50	
B 28 units x £26.50	£742.00	
Subtotal		£1192.50
VAT @ 20%	£238.50	
Land Registry costs	£12.00	
Postage	£6.40	
Total		£1449.40

11. The amount payable by the Applicant to the Respondents is £1449.40 plus the agreed valuer's costs of £525.00 plus VAT.

If either party is dissatisfied with this decision, they may apply for permission to appeal to the Upper Tribunal (Lands Chamber). Prior to making such an appeal, an application must be made, in writing, to this Tribunal for permission to appeal. Any such application must be made within 28 days of the issue of this decision.

Name: Judge S McClure

Date: 13 December 2018