

SCHEDULE OF DISPUTED COSTS

The work was carried out by Jade Wilson (solicitor) at an hourly rate of £250 + VAT (3 years PQE) with assistance from Anthony Wilson (partner) at an hourly rate of £300 + VAT (35 years PQE).

NOTE: The Respondent submits the hourly rate for a solicitor of Jade Wilsons experience is £165 per hour

The Applicants submit that the hourly rate for a solicitor of Jade Wilson's experience is £250 + VAT per hour for the reasons set out in the statement of reply

Description of Work	Time Taken	Hourly Rate	Total	Respondent's Comments	Applicant's Comments	Tribunal's Comments
Receiving and considering the Invitation Notice	0.3 hours	£250	£75	Time Accepted but adjust to hourly rate of £165 ph.	49.50	60
Receiving and considering the Initial RTM Notice	0.5 hours	£250	£125	Time Accepted but adjust to hourly rate of £165 ph.	82.50	100
Perusing official copies of all the Land Registry titles, plans and leases to the flats and the building to establish whether there were sufficient number of participating members	65 hours [£16,250 (but limited to £150 per flat for 95 flats = £14,250)]	£250	£14,250	Unnecessary and in any event excessive. The landlord does not need to obtain land registry titles as it already holds the ownership details and original leases. Checking the membership against its records should take no more than 2 hours.	330.00	1200
Considering the validity of the claim and the Initial Notice	2 hours 0.5 hours	£250 £300	£500 £150	Time Accepted but adjust to hourly rate of £165 ph.	330.00 150.00	400 150
Liaising with the Clients regarding the validity of the Initial Notice	0.9	£250	£225	Time accepted but adjust to hourly rate of £165 ph.	148.50	180
Drafting and Serving the Counter-Notice	1 hour 0.5 hours	£250 £300	£250 £150	Time accepted but adjust to hourly rate of £165 ph.	165.00 150.00	200 150
Sub-Total			£15,725 + VAT		1405.50	2440 + VAT (50%)

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Description of Work	Time Taken	Hourly Rate	Total	Respondent's Comments	Applicant's Comments	Tribunal's Comments
Receiving and Considering the Applicant's application to the Tribunal	1 hour 0.5 hours	£250 £300	£250 £150	Time accepted but adjust to hourly rate of £165 ph.	165.00 150.00	200 150
Drafting Instructions to Counsel	1 hour	£250	£250	Time accepted but adjust to hourly rate of £165 ph.	165.00	200
Drafting Statement of Case	3 hours	£250	£750	Time accepted but adjust to hourly rate of £165 ph.	495.00	600
Liaising with Counsel in respect of the Statement of Case and Hearing	2 hours	£250	£500	Time accepted but adjust to hourly rate of £165 ph.	330.00	400
Finalising and serving the Statement of Case	0.5	£250	£125	Time accepted but adjust to hourly rate of £165 ph.	82.50	100

Receiving and considering the Applicant's Reply and Supplementary Statement	0.5	£250	£125	Time accepted but adjust to hourly rate of £165 ph.	82.50		100
Considering and Serving the Counsel's Skeleton Argument	0.5 0.3	£250 £300	£125 £90	Time accepted but adjust to hourly rate of £165 ph.	82.50 90.00		100 90
Travelling and attending the Tribunal hearing in Bristol	12 hours	£250	£3,000	Time accepted but adjust to hourly rate of £165 ph.	1980.00		2400
Correspondence with Client	2.1	£250	£525	Excessive. Reduce as shown.	165.00	The RTM company is liable for all costs under section 88(2) so there is no jurisdiction to reduce costs but in any event slightly over two hours of correspondence and attendances for a First Tier Tribunal hearing is not unreasonable. The hourly rate is also to stand at £250 ph	420
Correspondence with Tribunal	2.7	£250	£675	Excessive. Reduce as shown.	82.50	The RTM company is liable for all costs under section 88(2) so there is no jurisdiction to reduce costs but in any event we were required to incur two and a half hours of correspondence due to the RTM Company's failure to comply with the Tribunal's directions in respect of making their application for permission to appeal within the requisite time limit. The hourly rate is also to stand at £250 ph	540
Correspondence with Applicant's representatives	3.4	£250	£850	Excessive. Reduce as shown.	198.00	The RTM company is liable for all costs under section 88(2) so there is no jurisdiction to reduce costs but in any event we were required to incur three and a half hours of correspondence due to the RTM's failure to comply with the Tribunal's directions in respect of making their application for permission to appeal within the requisite time limit. The hourly rate is also to stand at £250 ph	680
Sub-Total			£7,415 + VAT		4068.00	£7,415 + VAT	5980 + VAT (50%)

Description of Work	Time Taken	Hourly Rate	Total	Respondent's Comments	Applicant's Comments	Tribunal's Comments
Receiving and considering the First Tier Tribunal's refusal to grant permission to appeal	1 hour	£250	£250	Time accepted but adjust to hourly rate of £165 ph.	165.00	200
Preparing initial costs application	1.5 hours	£250	£375	Time accepted but adjust to hourly rate of £165 ph.	247.50	300
Receiving and considering the Application for Permission to Appeal to the Upper Tribunal	1.2 hours	£250	£300	Time accepted but adjust to hourly rate of £165 ph.	198.00	240
Receiving and considering the Tribunal's decision to allow Permission to Appeal	0.4	£250	£100	Time accepted but adjust to hourly rate of £165 ph.	66.00	80
Instructing Counsel for Upper Tribunal Hearing	1 hour	£250	£250	Time accepted but adjust to hourly rate of £165 ph.	165.00	200
Approving the Respondent's Notice and Statement of Case	2 hours	£250	£500	Time accepted but adjust to hourly rate of £165 ph.	330.00	400
Finalising and serving the Respondent's Notice and Statement of Case	0.5	£250	£125	Time accepted but adjust to hourly rate of £165 ph.	82.50	100
Considering and agreeing the Bundle Index	0.5 hours	£250	£125	Time accepted but adjust to hourly rate of £165 ph.	82.50	100

Considering the bundle and forwarding a copy to Counsel	1.5 hours	£250	£375	Sending bundles does not require solicitor. Reduce as shown.	82.50	the RTM company is liable for all costs under section 88(2) so there is no jurisdiction to reduce costs but in any event hourly rate to stand at £250 ph. Whilst sending a copy of a bundle to Counsel did not require a solicitor the time was spent in considering the bundle to ensure that all the relevant documents were enclosed and that no pages were missing from the bundle which required a solicitor with knowledge of the case.	300
Considering Counsel's Skeleton Argument	2.5 hours	£250	£625	Time accepted but adjust to hourly rate of £165 ph.	412.50	The RTM company is liable for all costs under section 88(2) so there is no jurisdiction to reduce costs but in any event hourly rate to stand at £250 ph	500
Attending the Upper Tribunal hearing on 15 th May 2018	6 hours	£250	£1,500	Time accepted but adjust to hourly rate of £165 ph.	990.00		1200
Reviewing the draft decision for material errors and spelling	1.5 hours	£250	£375	Time accepted but adjust to hourly rate of £165 ph.	247.50		300
Reviewing the Appellant's Request to Alter the draft decision	1 hour	£250	£250	Excessive. Reduce as shown.	165.00	The RTM company is liable for all costs under section 88(2) so there is no jurisdiction to reduce costs but in any event hourly rate to stand at £250 ph. The request to alter the draft decision was required to be read very carefully to confirm whether any additional comments were required from our client. The request also referred to a detailed 12 page attendance note from the hearing, a 15 page decision and the 82 page Witness Statement of Stuart Booth. The time was not excessive.	500
	1.5 hours	£300	£450		300.00		
Considering and approving the Respondent's Note in response to the Appellant's Request to Alter the draft decision	1.5 hours	£250	£375	Time accepted but adjust to hourly rate of £165 ph.	247.50	The RTM company is liable for all costs under section 88(2) so there is no jurisdiction to reduce costs but in any event hourly rate to stand at £250 ph	300
Reviewing the published Upper Tribunal Decision	2 hours	£250	£500	Not a chargeable item	0.00	The RTM company is liable for all costs under section 88(2) so there is no jurisdiction to reduce costs but in any event there is no explanation from the RTM Company why this is not a chargeable item. Of course, it is necessary to review the Tribunal's decision in order to establish the decision and advise the client accordingly. Hourly rate to stand at £250 ph.	0
	2 hours	£300	£600		0.00		300
Preparing Updated Costs Statement	3 hours	£250	£750	Time excessive. Adjust to 2 hours at hourly rate of £165 ph.	330.00	The RTM company is liable for all costs under section 88(2) so there is no jurisdiction to reduce costs but in any event the costs statement was very detailed and required updating to take into account all the costs incurred in respect of the RTM Company's failure to make an application for permission to appeal in time, the Upper Tribunal Hearing and the RTM Company's request to alter the draft decision. Hourly rate to stand at £250 ph.	600
Correspondence with Client	3.5	£250	£875	Excessive. Reduce as shown.	82.50	The RTM company is liable for all costs under section 88(2) so there is no jurisdiction to reduce costs but in any event three and a half hours of correspondence and attendances incurred in respect of the RTM Company's failure to make an application for permission to appeal in time, the Upper Tribunal Hearing and the RTM Company's request to alter the draft decision is not unreasonable. The hourly rate is also to stand at £250 ph	700

Correspondence with Counsel	6.8	£250	£1,700	Excessive. Reduce as shown.	99.00	The RTM company is liable for all costs under section 88(2) so there is no jurisdiction to reduce costs but in any event a considerably amount of detailed correspondence and attendances were required and incurred in respect of the RTM Company's failure to make an application for permission to appeal in time, the Upper Tribunal Hearing and the RTM Company's request to alter the draft decision is. The claimed costs amounted to almost seven hours and this is not unreasonable. The hourly rate is also to stand at £250 ph	1360
Correspondence with Tribunal	3.1	£250	£775	Excessive. Reduce as shown.	66.00	The RTM company is liable for all costs under section 88(2) so there is no jurisdiction to reduce costs but in any event three hours of correspondence and attendances were incurred in respect of the RTM Company's failure to make an application for permission to appeal in time, the Upper Tribunal Hearing and the RTM Company's request to alter the draft decision and this is not unreasonable. The hourly rate is also to stand at £250 ph	620
Correspondence with Applicant's representatives	1.8	£250	£450	Excessive. Reduce as shown.	66.00	The RTM company is liable for all costs under section 88(2) so there is no jurisdiction to reduce costs but in any event under two hours of correspondence and attendances incurred in respect of the RTM Company's failure to make an application for permission to appeal in time, the Upper Tribunal Hearing and the RTM Company's request to alter the draft decision is not unreasonable. The hourly rate is also to stand at £250 ph	360
	Sub-Total		£11,625 + VAT		4425.00	£11,625 + VAT	8660 + VAT (50%)

Tribunal's Comments

Description of Work	Time Taken	Hourly Rate	Total	Respondent's Comments		Applicant's Comments	
Receiving and reviewing the Respondent's Case in respect of costs	1.5 hour	£250	£375	Time accepted but adjust to hourly rate of £165 ph.	247.50	The RTM company is liable for all costs under section 88(2) so there is no jurisdiction to reduce costs but in any event hourly rate to stand at £250 ph	300
Preparing and serving Applicant's Reply	3 hours	£250	£750	Time excessive. Reduce to 2 hours and adjust to hourly rate of £165 ph.	330.00	The RTM company is liable for all costs under section 88(2) so there is no jurisdiction to reduce costs but in any event hourly rate to stand at £250 ph. The time spent has not been excessive as we have had to write a statement in reply and provide comments on the disputed costs. We have also had to research various cases that were required to put forward to the Tribunal in respect of reasonable hourly rates.	600
Preparing Bundles and documents in relation to costs hearing	6 hours	£250	£1,500	Does not require solicitors. Reduce as shown,	500.00	The RTM company is liable for all costs under section 88(2) so there is no jurisdiction to reduce costs but in any event hourly rate to stand at £250 ph. The time spent is not excessive and in fact should be increased as we have been required to prepare and serve two sets of bundles to the Tribunal and the RTM Company's representatives due to their failure to submit their statement of items in dispute within the Tribunal deadline and therefore we expect that 9 hours will be required in total. A solicitor is required to compile the bundle to ensure that all the relevant documentation is enclosed due to complex nature of this whole transaction.	1200
	Sub-Total		£2,625 + VAT		1077.50	£3,375 + VAT	2100 + VAT (50%)

Tribunal's Comments

Description of Work	Time Taken	Hourly Rate	Total	Respondent's Comments		Applicant's Comments	
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Counsels fees			£15,900	Fees in relation to FtT excessive. Reduce by £4000	11900.00	The RTM company is liable for all costs under section 88(2) so there is no jurisdiction to reduce cost. These fees are not excessive for preparing and attending a whole day hearing with site inspection. The RTM company instructed a QC for the Upper Tribunal hearing whose fees would have been considerably higher than our client's instructed counsel.	15900 + VAT (50%)
Management Fees			£8,100	Unreasonable and disproportionate. Client and Solicitor effectively same person.	0.00	The RTM company is liable for all costs under section 88(2) so there is no jurisdiction to reduce costs. The client and solicitor are not the same person and are completely different entities. As will be noted the majority of the work carried out has been by Jade Wilson of Ashley Wilson Solicitors and the management company has its day to day affairs outsourced to a managing agent who has provided the necessary instructions with reference to the director of the company where needed. We can confirm that there is no double recovery of costs sought. The RTM company has not provided any explanation why the costs and unreasonable or disproportionate and must stand as claimed.	0
Disbursements			£662	Accepted	662.00	Noted.	662.3
			Sub total		12562.00		£24,662

GRAND TOTAL

23538.00

39,250.30 (incl. VAT - 50%)

(RESPONDENT) NOTE:

Insofar as the Landlord and/or its managing agent are registered for VAT the Respondent is not liable for VAT.
The landlords managing agent is registered for VAT, number 984 5869 46