



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

Case Reference : **LON/00BK/OC9/2019/0002**

Property : **Flat 17, 70-72 Westbourne Terrace,
London W2 6QA**

Applicant : **Kolup Investments Limited**

Representative : **Hammins LLP**

Respondents : **Judith Amarylis Feuchtwanger**

Representative : **N/A**

Types of Application : **Section 60 costs**

Tribunal Members : **Judge Tagliavini
Mr. D Jagger MRICS**

**Date and venue of
Hearing** : **5 March 2019
10 Alfred Place, London WC1E 7LR**

Date of Decision : **5 March 2019**

DECISION

Decisions of the tribunal

- I. The tribunal determines that the reasonable costs payable by the Respondent to the Applicant pursuant to section 91(2)(d) and section 60(1) of the Leasehold Reform, Housing and Urban Development Act 1993 are £3,000 plus VAT for legal costs and £3.00 for disbursements in the total sum of £3,603.00.**
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The application

1. This is an application by the Applicant landlord who seeks a determination of the tribunal as to the costs payable under the provision of the Leasehold Reform, Housing and Urban Development Act 1993 (“the 1993 Act”) incurred as a consequence of a lease extension sought by and granted to the Respondent lessee.

Background

2. By a lease extension dated 6 August 2018 the Respondent paid the sum of £76,596.00 for the grant of a lease extension pursuant to the provisions of the 1993 Act. As the parties could not agree the costs payable by the Respondent to Applicant payable under the provisions of the 1993 Act, the Applicant has sought the tribunal’s determination. In its application dated 27 December 2018, the Applicant seeks legal costs in the sum of £3,000 plus VAT together with disbursements of £3.00 in respect of Land Registry fees.

The Applicant’s evidence

4. In support of its application, the Applicant provided the tribunal with a level arch file of documents on which, it sought to rely. The Applicant included a Schedule of Costs detailing the fee earner and their grade, their hourly rate and the time spent on items falling within sections 60(1)(a)(b) and (c) of the 1993 Act.

The Respondent’s evidence

5. The Respondent failed to comply with the tribunal’s directions dated 8 January 2019 and provided only an email dated 04/02/2019 asserting that the Applicant had not provided a sufficiently detailed schedule of costs and therefore was unable to respond or provide a Statement of Case.

The tribunal's decisions and reasons

6. In making its determination on the documents provided, no oral hearing having been requested, the tribunal had regard to the provisions of section 60 of the 1993 Act which sets out the types of costs to which the Applicant is entitled to be reimbursed.
7. The tribunal had regard to the premium paid for the lease extension, the complexity of the issues and the settlement reached by the parties. The tribunal considers that the costs claimed by the Applicant are at a reasonable level for this lease extension, a type of transaction with which this expert tribunal is familiar. The tribunal considers that the Applicant has complied with the spirit of the tribunal's directions and has provided sufficient detail which is both reasonable and proportionate to the issues involved and the level of costs that have been claimed.
8. The tribunal notes from the exchange of correspondence between the parties that the Respondent considers a more detailed schedule of costs should have been provided by the Applicant. Further the tribunal notes that the Respondent appears to have an ongoing dispute with their former legal advisers, in respect of any wasted costs having arisen as a result of sending arguably invalid Notices of Claim.
9. However, the tribunal considers that the Applicant's schedule of costs is reasonable both in its detail and amount. The tribunal is of the view that any issue between the Respondent and her former legal advisers is not a matter that falls within this application or the tribunal's jurisdiction.
10. In conclusion ,the tribunal determines the sums of £3,000 plus VAT in legal costs are payable by the Applicant to the Respondent together with disbursements of £3.00 in the total sum of £3,603.00. These sums should now be paid within 28 days.

Signed: Judge Tagliavini

Dated: 5 March 2019

