



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

Case reference : **LON/00AE/OC9/2023/0083**

Property : **219A Kilburn High Road, London NW8
7JG**

Applicant : **Kenneth Thomas Strong**

Representative : **A. Oldschool & Co**

Respondent : **Atlantic Property Investments Ltd**

Representative : **Nic Peace: Osmonds & Osmonds
Solicitors**

Type of application : **Determination of costs pursuant to
section 60(1) of The Leasehold Reform
Housing and Urban Development Act
1993**

**Tribunal
member(s)** : **Judge Tagliavini
Mrs S Phillips MRICS**

Venue : **10 Alfred Place, London WC1E 7LR**

Date of decision : **18 October 2023**

DECISION

The tribunal's summary decision

1. The tribunal determines costs and disbursements in the amount of £3,240 (including VAT) are payable by the respondent tenant to the applicant landlord.

The application

2. The leaseholder applicant seeks the tribunal's determination as to the costs payable pursuant to section 60(1) of The Leasehold Reform Housing and Urban Development Act 1993. The sum claimed total £3,240 made up of:
 - (i) Legal costs of £1,200 plus VAT = £1,440.00
 - (ii) Surveyor's fees of £1,500 plus VAT = £1,8000

The hearing

3. As neither party requested an oral hearing the application was determined on the documents provided by the applicant. The respondent did not provide any response to the application or provide any documentation seeking to dispute the sums claimed.

The tribunal's decision

4. The tribunal determines the sum of £3,240 (including VAT) is payable by the applicant to the respondent in respect of legal costs and surveyor's fees.

The tribunal's reasons

5. The relevant parts of Section 60 of the 1993 Act state:

(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 subsection 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.

(2)For the purposes of subsection (1) any costs incurred by a relevant person in respect of professional services rendered by any person shall only be regarded as reasonable if and to the extent that costs in respect of such services might reasonably be expected to have been incurred by him if the circumstances had been such that he was personally liable for all such costs.

6. The tribunal was provided with little detail about the nature of the transaction that caused these costs to be incurred. The tribunal considered the Schedule of Legal Costs, the hourly rate and the nature and extent of the work undertaken as well as those of the applicant's surveyor, the tribunal finds the costs of £3,240 (including VAT) claimed by the applicant are reasonable and payable by the respondent.

Name: Judge Tagliavini

Date: 18 October 2023

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the Tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the Regional Office which has been dealing with the case. The application should be made on Form RP PTA available at

<https://www.gov.uk/government/publications/form-rp-pta-application-for-permission-to-appeal-a-decision-to-the-upper-tribunal-lands-chamber>

The application for permission to appeal must arrive at the Regional Office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28-day time limit, such application must include a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the Tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the Tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).