



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

Case reference : **LON/00BK/OC9/2024/0018**

Property : **131 Park West, Edgware Road,
London W2 2QP**

Applicant : **Daejan investments limited**

Representative : **Wallace LLP**

Respondent : **Metzo properties limited**

Representative : **Not represented**

Type of application : **Costs under Section 60(1) of the
Leasehold Reform, Housing and
Urban Development Act 1993**

Tribunal member : **Mr A Harris LLM FRICS FCI Arb
Valuer Chair**

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

Date of decision : **11 June 2024**

DECISION

Summary of the tribunal's decision

- (1) The tribunal allows the costs claimed by the applicant of legal fees £3600 including VAT, valuation fees £1320 including VAT and landlords land registry fees of £18.

Background

1. This is an application made by the applicant freeholder pursuant to section 60(1) of the Leasehold Reform, Housing and Urban Development Act 1993 (“the Act”) for a determination of the landlord’s legal costs following the deemed withdrawal of a claim for a new lease of 131 Park West, Edgware Road, London W2 2QP (the “property”).
2. The Applicant is the freehold owner of Park West of which the property forms part. The Respondent holds a long lease of the property for a term of 125 years from 25 December 1978.
3. By a notice of a claim made around 6 July 2022 served pursuant to section 42 of the Act, the applicant exercised the right for the grant of a new lease in respect of the subject property.
4. On or around 14 September 2022 the respondent freeholder served a counter-notice admitting the validity of the claim.
5. As terms were not agreed for the acquisition, an application was made to the tribunal on 13 March 2023 seeking determination of the terms for acquisition of a new lease. Terms were subsequently agreed on 19 May 2023 and the application withdrawn.
6. The Respondent failed to complete a new lease within the statutory time period under section 48 of the Act and the notice of claim was deemed withdrawn on 18 September 2023.
7. Statutory costs were not agreed and on or about 11 January 2024 the Applicant’s solicitors applied to the tribunal for a determination of the statutory costs.
8. The tribunal sent copies of the application to the solicitors for the Respondent named in the application who stated they were not instructed in the matter.
9. The tribunal issued directions on 8 February 2024 which were sent to both parties setting out that the case will be dealt with on paper in the week commencing 6 May 2024 if neither party requested an oral hearing. On 1 May 2020 for the tribunal wrote to the Respondent stating it had received a bundle from the Applicant but nothing from the Respondent. Following contact from the Respondent the tribunal wrote a further letter dated 13 May 2024 relisting the property for the week commencing 10 June 2024 unless an application was made for variation of the directions. No application has been received. The tribunal is therefore satisfied that the Respondent has had notice of the application and has chosen not to respond.

The issues

The hearing

10. The case was decided on the papers on 11 June 2024
11. The Applicant submitted a bundle of 158 pages setting out the costs incurred with supporting evidence.
12. No evidence has been received from the Respondent.

The tribunal's determination

13. The tribunal determines that the costs claimed by the applicant of legal fees £3600 including VAT, valuation fees £1320 including VAT and landlords land registry fees of £18 have been reasonably incurred.

Reasons for the tribunal's determination

14. The Bundle contains a number of previous decisions of this tribunal where the Applicant was represented by the same firm of solicitors. Leasehold enfranchisement is a complicated area of law and it is reasonable for the Applicant to use specialist solicitors. The tribunal accepts that the time spent and hourly rates are reasonable.
15. Valuation under the Act is again a specialist matter and the tribunal accepts it is reasonable for the Applicant to use central London valuers who are known to specialise in this area. The fees claimed are reasonable for this type of work.
16. The tribunal therefore allows the. costs claimed.

Legal fees £3600 including VAT,

Valuation fees £1320 including VAT

Land registry fees of £18

Name: A Harris

Date: 11 June 2024

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 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).