



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

Case reference : **LON/OOBK/OC9/2024/0097**

Applicant : **Daejan Investments Limited**

Respondent : **Simon John Mumford**

Property : **108, Park West, Edgware Road, London
W2 2QJ**

Tribunal : **Judge Shepherd**

Date of decision : **22nd January 2025**

AMENDED DETERMINATION

**Under Rule 50 of the Tribunal Procedure (First Tier Tribunal)
(Property Chamber) Rules 2013**

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1. The Applicant, Daejan Investments Limited ("The Applicant"), is the freehold owner of premises known as Park West and 85-119 Edgware Road, Paddington, London ("the Premises") of which Flat 108, Park West, Edgware Road, London W2 2QJ ("the Flat") forms part.
2. The Respondent holds a long lease of the Flat for a term of 125 years from the 25 December 1978.
3. On 10 May 2023, the Respondent made an application for the grant of new Lease by way of Notice of Claim pursuant to the provisions of Chapter II of the Act.

4. On 18 July 2023, Daejan served a Counter-Notice pursuant to Section 45 of the Act admitting the Respondent's entitlement to the grant of a new lease for the Flat.
5. On or about 11 January 2024 the Respondent made an Application to the Property Chamber seeking the determination of the terms of acquisition of a new lease of the Flat. The terms of acquisition of a new lease of Flat were subsequently agreed between the parties on 17 January 2024.
6. The Respondent failed to complete a new lease within the required statutory time period pursuant to the provision of Section 48 of the Act and accordingly the Notice of Claim was deemed withdrawn pursuant to Section 53 of the Act on 16 May 2024.
7. Statutory costs have not been agreed and accordingly on or about 19 July 2024, Daejan's Solicitors made an Application to the Property Chamber seeking determination of statutory costs payable pursuant to Section 60.
8. Daejan are seeking costs of £3,673 plus VAT in connection with Daejan's legal costs (plus disbursements of £12 plus VAT for Land Registry fees and £9.50 plus VAT in courier fees) and £1,350 plus VAT for valuer's fees.
9. A statement of costs was provided to the Respondent on 20 September 2024 pursuant to the Tribunal's directions dated 3 September 2024.

The Law

10. Section 60 of the ~~Commonhold and Leasehold Reform Act 2002~~ Leasehold Reform, Housing and Development Act 1993 provides that the Respondent shall be liable for 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... "

Determination

11. I have considered this application and can find no basis to reject the Applicant's claim for costs namely:

£3673 plus vat – legal fees

£12 plus vat – land registry fees

£9.50 plus vat – courier fees

£1350 plus vat – valuation fees

12. These sums are reasonable and payable.

Judge Shepherd

~~22nd January~~ 19th February 2025

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).