



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

Case reference : LON/00AC/OC9/2023/0091

Property : 452 Finchley Road, London NW11 8DG

Applicant : 452 Finchley Road Freehold Limited

Representative : Wallace LLP

Respondent : 452 Finchley Road LLP

Representative : Mr Henry Fordham

Type of application : S.33(1) Leasehold Reform, Housing and Urban Development Act 1993

Tribunal : Judge Siobhan McGrath

Date of Decision : 10th November 2025

DECISION

1. This is an application for a determination of statutory costs under section 33(1) of the Leasehold Reform, Housing and Urban Development Act 1993. The Applicant is 452 Finchley Road Freehold Limited, the nominee purchaser in a claim for collective enfranchisement of premises at 452 Finchley Road, London NW11 8DG. The Respondent is the reversioner 452 Finchley Road LLP. The Tribunal's substantive decision in this matter was made on 28th July 2025.
2. The application is dated 14th June 2023 and directions were given for the determination of the costs application on 21st August 2025.
3. Section 33(1) provides that the Applicant shall be liable for the Respondent's reasonable cost of and incidental to any of the following:

“(a) Any investigation reasonably undertaken –

- (i) Of the question whether any interest in the specified premises or other property is liable to acquisition in pursuance of the initial notice, or*
- (ii) Of any other question arising out of that notice*

(b) deducing, evidencing and verifying the title to any such interest;

(c) making out and furnishing such abstracts and copies and the nominee purchaser may require

(d) any valuation of any interest in the specified premises or other property

(e) any conveyance of any such interest”

4. In its directions the Tribunal required the Respondent to provide:

- (a) a schedule of costs claimed sufficient for a summary assessment;

The schedule shall identify the basis for charging legal and/or valuation costs. If costs are assessed by reference to hourly rates, detail shall be given of fee earners/case workers, time spent, hourly rates applied and disbursements. The schedule should identify and explain any unusual or complex features of the case.

- (b) copies of the invoices substantiating the claimed costs; and

- (c) copies of any other documents/reports upon which reliance is placed.

Legal Costs

- 5. The Respondent has been represented by two sets of solicitors and provided two separate schedules of cost. The schedules provided are not compliant with the Directions and no supporting invoices have been produced.
- 6. The first set of solicitors instructed by the Respondent were Tees Law. The Tees Law schedule fails to identify the level or grade of the fee earners and does not give clear descriptions of the tasks undertaken. The columns in the schedule have no headings. The schedule indicates that five different fee earners have been involved in the matter but their grades are not shown. On behalf of the Applicant it is said that four of those fee earners appeared to be Grade A fee earners, the conclusion having been drawn following their carrying out a review of Tees Law’s website.
- 7. The schedule has shown that Darren Perks spent 13.3 hours on “Plan, Prepare, Draft, Review”, including time entries for 6 hours and 4.5 hours. Jessica Barker spent 2.8 hours on “Plan, Prepare, Draft, Review” and Kay Perks spent 1.1 hours on “Plan, Prepare, Draft, Review.” Piers Wood spent 0.2 hours for “Preparation” and Anya Radford spent 1 hour for “Preparation”. No other details have been provided.
- 8. The time recorded by Darren Perks seems to include 11.5 hours preparing the counter-notice. This is disproportionately high and is not reasonable. The schedule also includes a total of 1.7 hours on internal communications. The Applicants submit that these costs do not fall within section 33(1) and in any event are excessive. The Tribunal agrees.

9. The hourly rates for the fee earners was not provided. The Applicants submit that in any event these should be limited to the County Court Guideline Hourly Rates applicable at the time the Initial Notice and Counter-Notice were served which are calculated to be £255 per hour for the Grade A fee earners and £126 for the Grade D fee earner. The Tribunal agrees.
10. Further costs are attributed by Tees Law to service of the counter-notice. The date for its service was 10th April 2023. Jessica Barker records 3.5 hour of “Billable travel time” in the sum of £525 on 6th April 2023. The Applicant’s solicitors records confirm that the notice was delivered by hand on that date. It is unclear whether Jessica Barker’s travel costs relate to service but in any event, it is contended by the Applicant that those fees are unreasonable and that it was not necessary for the counter-notice to be delivered by a Grade D fee earner as sufficient time remained to send it by cheaper methods. The Tribunal agrees. Either a non-priority courier or Royal Mail specified delivery would have sufficed and giving the Respondent the benefit of the doubt, will allow only the cost of a non-priority courier which the Applicant states would be £158.22 including VAT.
11. The Respondent’s disbursement schedule also includes a disbursement of £16.60 incurred on 28th April for “train” and three different process server fees totalling £388.92 said to have been incurred on 12th April 2023. No further information is provided but the Applicant contends that it cannot be reasonable to duplicate the cost of service. The Tribunal agrees.
12. The second set of solicitors instructed by the Respondent were Meaby & Co. The costs schedule from Meaby & Co shows that all of their work has been carried out by Nicky Cleightonhills who is a grade A fee earner working in the Essex office of Meaby & Co. On that basis the Applicant submits that the hourly rates for National 1 Band should be applicable in respect of her fees, namely £288. Ms Cleightonhills disputes this and asserts that she operates both from Marylebone (zone one), Chigwell and Dunmow offices of Meaby & Co and that she is a rooftop development specialist. The Tribunal considers that these are not sufficient reasons to depart from the County Court rates.
13. The Applicant also submits that time entries for reviewing cost being 01. Hour on 15th August 2025 and 0.4 hours on 15th September 2025 are not a recoverable cost under section 33. It appears that Ms Cleightonhills agrees with this proposition.
14. Finally, on legal costs, the Applicant submits that the costs incurred on 15th August 2025 in relation to “emails out” and checking the transfer do not fall within recoverable costs under section 33 of the Act as they are duplications of work carried out by Tees lay. In response Ms Cleightonhills states that it is still necessary for her to check that it is in agree form before sending to her client. The Tribunal does not consider that it is reasonable to duplicate these costs.

Valuation Costs

15. In an email dated 16th September 2025, Ms Cleightonhills states that the valuer’s invoice is for £7,500. No invoice has been produced. In an email dated 3rd October 2025, Ms Cleightonhills asserts that “I confirm that I have seen BNP Paribas’ engagement letter. I shall not share it with you because it contains details of instructions and privileged advice but I have cut and paste below a snap shot from the costs quote”. That extract states that the

fee for the valuation will be £7,500. The Tribunal has difficulty understanding the extract which in any event is not an invoice.

16. The Applicant contends that a fee of £7,500 is disproportionately high and that by way of comparison, the Applicant's valuation fee in respect of the initial notice was £2,800 (including VAT) and that this is a reasonable fee pursuant to the Act. The Tribunal agrees.

Conclusion

17. The Tribunal's task in this matter has not been helped by the paucity of information provided by the Respondent and its failure to comply with the Directions. Doing the best it can, the Tribunal finds the following
- Legal fees of Tees LLP - £4,276.80 including VAT being 12 hours of time for a Grade A fee earner and 4 hours of work for a Grade D fee earner at the County Court Guideline Rates (National 2 Band).
 - Legal fees of Meaby & Co - £622.08 including VAT being 1.8 hours of time for a Grade A fee earner at the County Court Guideline Hourly Rates (National 1 Band).
 - Disbursements of £158.22 including VAT.
 - Valuation fees of £2,800 including VAT.
18. Total section 33 costs reasonably payable are £7,957.10.

Judge Siobhan McGrath

10th November 2025