

Leasehold Reform Act 1967

DECISION OF LEASEHOLD VALUATION TRIBUNAL

ON AN APPLICATION UNDER S.21 OF THE LEASEHOLD REFORM ACT 1967

TO DETERMINE THE REASONABLE COSTS PAYABLE UNDER S.9(4) OF THE ACT

Applicant Tenants: Mr and Mrs D.R.Irving

Respondent Landlords and
Freeholders: Parkland House Limited and Herontop Limited

Property: 40, Pooley View, Tamworth, Staffordshire B78 1BP

Date of Tenant's Notice
(under Section 8 of the Act): 4th December 2002

RV as at 1 Apr. 1973: Less than £500

Application dated: 7th March 2003

Heard at: The Panel Office

On: 22nd May 2003

APPEARANCES:

For the Tenants: Mr J Moore MA

For the Freeholders: No appearance

Members of the Leasehold Valuation Tribunal:

Mr A.J Engel (Chairman)
Mr D.J Satchwell
Mr G Chidlow

Date of Tribunal's decision: 30th June 2003

Background:

1. By Notice, dated 4th December 2002, the Tenants gave the Landlords (who were also the Freeholders) notice of their desire to have the freehold of the property. We were informed that a purchase price of £1,250-00 had been agreed; however, no agreement was made in respect of the reasonable costs payable by the Tenants pursuant to s.9(4) of the Act.
2. Accordingly, by Notice, dated 7th March 2003, the Tenants applied to the LVT (under s.21 of the Act) for a determination of such reasonable costs.

Hearing:

3. A hearing was held, at the panel Office in Birmingham on 22nd May 2003 when Mr J Moore appeared for the applicant Tenants; the Landlords/Freeholders were not represented.
4. At the hearing, Mr Moore made the following submissions (which had been set out in the Notice of Application):-
 - (i) That Legal Fees should be restricted to £250;
 - (ii) Nothing should be allowed in respect of Surveyor's Fees;
 - (iii) Nothing should be allowed for other costs.
5. Mr Moore arguments included:-
 - (i) That the title was registered;
 - (ii) That costs incurred by the Landlords could not include costs in connection with the reference to the Tribunal (by reason of Para, 5 to Schedule 22 of the Housing Act 1980);

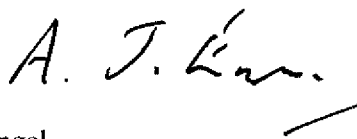
That there was no evidence of any inspection by a Surveyor acting on behalf of the Landlords and it was likely that any valuation carried out before the reference to the Tribunal would have been carried out , in Mr Moore's words "on the back of an envelope".
 - (iii) There was no evidence of any other costs.

6. The Tribunal accepted Mr Moore's submissions and arguments.

Decision:

7. The amount of costs payable by the Tenants under s.9(4) of the Act shall be limited to £250-00 (Two hundred and fifty pounds) in respect of legal costs (plus any VAT thereon, if applicable).
No other costs are payable by the Tenants under s.9(4) of the Act.

Date: 30th June 2003

A handwritten signature in black ink, appearing to read 'A. J. Engel', with a horizontal line drawn underneath the signature.

A.J Engel
CHAIRMAN