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LEASEHOLD VALUATION TRIBUNAL
OF THE
MIDLAND RENT ASSESSMENT PANEL

BIR/41UB/OC6/2002/0073

DECISION OF THE LEASEHOLD VALUATION TRIBUNAL ON

AN APPLICATION UNDER SECTION 21(1)(ba) OF THE LEASEHOLD REFORM ACT 1967

Applicants: Mr R J and Mrs E Gillies (leaseholders)

Respondent: Business Flats Ltd (freeholder)

Subject property: 6 Cheviot Drive
Etchinghill
Rugeley
Staffordshire
WS15 2XL

Date of tenants' notice: 8 October 2002

Application to the LVT: 18 December 2002

Hearing: 4 March 2003

Appearances:

For the applicants: Mr J Moore

For the respondent: No appearance

Members of the LVT: Professor N P Gravells MA
Mr S Berg FRICS
Mrs N Jukes

Date of determination:

Introduction

- 1 This is a decision on an application under the Leasehold Reform Act 1967 ("the 1967 Act") made to the Leasehold Valuation Tribunal by Mr and Mrs Gillies, leaseholders of the house and premises at 6 Cheviot Drive, Etchingill, Rugeley, Staffordshire WS15 2XL ("the subject property"). The application is under section 21(1)(ba) for the determination of the reasonable costs payable under section 9(4).
- 2 The applicant leaseholders held the subject property under a lease, dated 11 October 1972, for a term of 99 years from 25 March 1965 at a ground rent of £30.00 per year. The lease was assigned to the applicants on 20 November 1986. The unexpired term at the date of the Notice of Tenant's Claim to Acquire the Freehold was sixty-one and a half years.
- 3 The applicants served on the respondent landlord a tenant's notice dated 8 October 2002 claiming to acquire the freehold interest in the subject property under the terms of the 1967 Act. The price payable was subsequently agreed between the parties. The present application was made on 18 December 2002.

Hearing

- 4 The hearing was attended by Mr J Moore, of Midland Valuations Ltd, representing the applicant leaseholders. The respondent freeholder did not attend and was not represented (although written representations had been submitted by the solicitors representing the respondent freeholder).

Representations of the parties

- 5 Mr Moore, representing the applicant leaseholders, explained the background to the present application. He referred to the written representations submitted by the solicitors representing the respondent freeholder, which comprised a selection of copy contracts and letters dating from 2002 showing conveyancing fees between £350 and £450 (exclusive of VAT). Mr Moore stated that the figures indicated in the contracts and letters could be misleading. For instance, title to the subject property was registered whereas some of the property transfers included in the respondent's selection related to properties where title was unregistered; and he submitted that conveyancing fees in relation to such properties would normally be higher than fees for the transfer of properties with registered title. He concluded that the reasonable figure for legal costs in the present case would be £250 (plus VAT if applicable).

Determination of the Tribunal

- 6 The Tribunal considered the evidence and the representations of the parties. In the absence of any breakdown of the figures submitted on behalf of the respondent freeholder and in the absence of evidence of actual work undertaken and actual costs incurred in the present case, the Tribunal determines, in accordance with section 9(4) of the 1967 Act and the recent practice of Leasehold Valuation Tribunals in the Midland Rent Assessment Panel region, that the respondent freeholder is limited to the recovery of conveyancing costs of £225.00 (plus VAT if applicable) under paragraph (b) of section 9(4).

NIGEL P GRAVELLS
CHAIRMAN