

IN THE LEASEHOLD VALUATION TRIBUNAL

LON/00AN/LAC/2010/0010

BETWEEN:

MR TIMOTHY AARONS

Applicant

-and-

THE JOHN LEWIS PARTNERSHIP

Respondent

THE TRIBUNAL'S DECISION

Introduction

1. This is an application made by the Applicant under Part 1, Schedule 11 of the Commonhold and Leasehold Reform Act 2002 (as amended) ("the Act") for a determination of the reasonableness of administration charges totalling £750 plus VAT ("the administration charges") paid to the Respondent for the granting of a consent and licence to assign his lease. This amount is comprised of the Respondent's internal legal costs of £500 plus VAT for the preparation and execution of the licence to assign and £250 plus VAT paid to the Respondent's surveyor, Rapleys LLP, to answer a 21 point questionnaire.
2. The Applicant was the former long leaseholder of Flat 1, Regal Court, Dawes Road, London, SW6, which he held under a lease dated 25 August 1988 ("the lease"). The Respondent is the owner of a long lease of Flats 1-8 in the same building under a lease dated 10 July 1989.

3. It was common ground between the parties that the Applicant's liability to pay the costs in issue arises under clause 4(7) of the lease. For this reason, it is not necessary to set out the detailed terms of this clause. The Applicant simply contends that the administration charges are excessive and, therefore, unreasonable.
4. It seems that the Respondent's solicitor had initially sought to claim legal costs of £750 plus Vat plus disbursements for its legal costs for the licence to assign and a further sum of £750 plus VAT for the surveyor's costs.
5. On or about 19 March 2010, the Applicant personally contacted the Respondent's solicitor and negotiated fixed legal costs of £500 plus VAT. He repeated this process on or about 23 March 2010 in relation to the surveyor's fees for the sum of £250 plus VAT. This agreement on costs was confirmed to the Applicant's solicitor by an e-mail dated 23 March 2010. Furthermore, by an e-mail dated 23 March 2010, the Applicant's solicitor gave an undertaking to pay these agreed amounts to the Respondent and requested an invoice for payment. The sale of the property was subsequently completed and on 4 May 2010, the Applicant issued this application seeking to challenge the reasonableness of the administration charges.

Decision

6. The Tribunal's determination took place on 12 July 2010 and was based entirely on the respective statements of case and other documentary evidence filed by the parties. There was no hearing and the Tribunal heard no oral evidence.
7. The Tribunal concluded that it did not have jurisdiction to make any determination in relation to the administration charges. Paragraph 5(4) of Part 1, Schedule 11 of the Act provides, *inter alia*, that:
 - (a) *has been agreed or admitted by the tenant...*

Dated the 12 day of July 2010

CHAIRMAN..... *J. Mohabir*

Mr I Mohabir LLB (Hons)

Tribunal

Mr I Mohabir LLB (Hons)

Ms S Coughlin MCIEH