



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

**Case reference** : LON/00AC/OC9/2020/0122

**HMCTS code:** : P: PAPERREMOTE

**Property** : 76a Edgware Way, Edgware, Middlesex  
HA8 8JS

**Applicant** : Metropolitan Properties Co (FGC) Limited

**Representative** : Wallace LLP

**Respondents** : Michael Clements

**Representative** : N/A

**Type of application** : Section 60(1) costs

**Tribunal members** : Judge Tagliavini  
Miss M Krisko FRICS

**Venue & date  
of hearing** : 10 Alfred Place, London WC1E 7LR  
P: PAPERREMOTE  
24 March 2021

**Date of decision** : 24 March 2021

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**DECISION**

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## **Covid-19 pandemic: description of hearing**

This has been a remote video hearing which has been consented to by the parties. The form of remote hearing was **P: PAPERREMOTE** . A face-to-face hearing was not held because it was not practicable and all issues could be determined in a remote hearing. The tribunal was referred to the applicant's bundle of documents numbered 1 to 175. The order made is described at the end of these reasons.

## **Summary of decisions of the first-tier residential property tribunal**

- (1) The tribunal determines that the respondent is liable to pay to the applicant costs in the total VAT inclusive sum of £4,251.30 made up of the VAT inclusive sums of £3,300 (legal costs); £900 (valuation fees); £19.20 (Land Registry fees) and £32.10 (courier fees).

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## **The application**

1. This is an application dated 18/08/2020 seek a determination of the costs payable by the respondent under the provisions of section 60(1) of the Leasehold Reform, Housing and Urban Development Act 1993 in the VAT inclusive sums of £3,300 (legal costs); £900 (valuation fees); £19.20 (Land Registry fees) and £32.10 (courier fees).

## **Background**

2. Previously in or around 2018 the respondent had sought the grant of a new lease in respect of the subject premises at 76a Edgware Way, Edgware, Middlesex HA8 8JS (the 'Premises'). Negotiations between the parties followed the service of the landlord's counter notice which ended with on 17 July 2019 with an agreement between the parties being reached. However, the respondent failed to complete the transaction for a new lease and on 16 November 2019 the application for the grant of a new lease was deemed withdrawn pursuant to section 53 of the 1993 Act. Despite the respondent having been notified of his liability to pay section 60 costs, Mr Clements has made no response to this application or raised any objection to the costs claimed.

## **The applicant's case**

3. In an indexed and paginated digital bundle of 175 pages the applicant provided the tribunal with a detailed Schedule of Costs for the sums claimed in the application, a written document headed Submissions on Costs dated 17 November 2020 from Wallace LLP and other supporting documents

including invoices for the valuer's fees, the land registry and courier costs and previous decisions of the tribunal.

4. The applicant submitted that the costs claimed had been properly incurred and detailed in Schedule of Costs provided to the tribunal. As longstanding solicitors for the applicant, the tribunal is of the opinion that the applicant was entitled to rely on Central London solicitors despite the subject premises being in the Middlesex area.
5. The applicant submitted that in the absence of any Statement in Reply by the respondent the applicant and the tribunal were entitled to treat the application for costs and their amount as unopposed.

### **The respondent's case**

6. No objections to the claim for costs was received by the tribunal from the respondent.

### **The tribunal's decision and reasons**

7. Despite the absence of any objection by the respondent the tribunal nevertheless scrutinised the Schedule of Costs submitted by the applicant's representatives. The tribunal although queried the use of a partner in writing certain letters, the tribunal determined that the costs and fees claimed within the parameters of the 1993 Act and could be considered reasonable in the circumstances of his application. Similarly, the tribunal regarded the valuation fee of £750 plus VAT to within the reasonable range of the expected valuation fees.
8. Therefore the tribunal determines that the respondent is liable to pay to the applicant costs in the total VAT inclusive sum of £4,251.30. This is made up of the VAT inclusive sums of £3,300 (legal costs); £900 (valuation fees); £19.20 (Land Registry fees) and £32.10 (courier fees).

**Name: Judge Tagliavini**

**Date: 24 March 2021**

### **Rights of appeal from the decision of the tribunal**

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 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).