



Introduction

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Columbia House Properties (No.3) Ltd v Imperial Hall Freehold Ltd [2015] UKUT 45 (LC)

Facts

The nominee purchaser for a block of flats in London owned by Columbia House Properties served notice under S13. The claim was admitted and a sale price agreed. However the parties were not able to agree the section 33 costs. Columbia House Properties argued that they were entitled to just over £12,000.00 in respects of costs in employing their managing agents to investigate the eligibility criteria.

First Tribunal Decision

It was decided that none of this money was payable as Columbia House Properties was a property developer with a large portfolio in the UK and could have been expected to absorb the costs. Furthermore they had instructed solicitors to deal with the S13 notice and so there was a duplication of the work carried out by the managing agent and the solicitor.

Decision on Appeal

It was held that such costs are acceptable and recoverable under section 33 provided they are reasonable and properly incurred. The freeholder had been able to show that the solicitor and the managing agent had performed different tasks so there was no duplication.

Article by Laura Gill, JPC Law

For further information on purchasing the freehold or responding to a notice please contact Yashmin Mistry or Laura Gill of JPC Law.

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