



# The surveyors role at the LVT

Selwyn Langley explains what to expect from an expert witness



**WHEN THE LVT** was set up these were intended to be user friendly for both Landlords and Tenants and as a result to keep costs to a minimum, and the principal matters where the Surveyor/Valuer may be called on to give evidence are either in the case of enfranchisement or lease extension or in connection with service charge disputes for blocks of flats.

It is often the case that a party will arrive at a hearing with a full professional team including Solicitor, Barrister and Surveyor, although the Surveyor can also act as Advocate.

If it is to be the case, the Surveyor has two distinct duties, firstly to the LVT Panel in a role as Expert when his opinion must be restricted to his expert knowledge and

secondly as an Advocate where he can address the Panel on aspects of the case and cross examine witnesses. These roles are separate and distinct and it is for the Surveyor at all times to ensure that the Panel is aware on which basis he/she is addressing the Tribunal.

On the enfranchisement/ lease extension issues, the normal practice is for the parties to exchange Surveyors' reports prior to the hearing and, if possible, facts are agreed. This, therefore, clearly shortens the hearing which is only for the items which are in dispute. It is common for large measure of agreement between the Parties leaving the Panel clear to deal with limited aspects of the matter.

In the service charge disputes

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we have dealt with before the Panel, these normally arise when the Landlord is seeking a Certificate of Reasonableness, either in the case of disputed costs for major works or for the costs or necessity or standard of services provided to the blocks in the Service Charge Year under dispute.

It is normal practice for the Surveyor to schedule the expenditure and provide this to the Residents Association or long lessees prior to the hearing so that their challenge can be limited to any items with which they disagree as opposed to every aspect for which charges have been made in the year.

Whilst the LVT Tribunal is more informal than a court, there are still protocols to

be observed. Every Surveyor is bound to assist any Panel or Tribunal and, as a result of this, at the time of the hearing the Surveyor cannot claim only to be acting on the client's behalf.

It is often a difficult role for the Surveyor to be both Expert and Advocate and dependent upon the complexity of the issues, I think most Surveyors would prefer only to carry out the Expert role.

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