

105

LVT 9

Our Ref:

**MIDLAND RENT ASSESSMENT PANEL**

Leasehold Reform Act 1967

Housing Act 1980

**DECISION OF LEASEHOLD VALUATION TRIBUNAL**

**ON AN APPLICATION UNDER S21 OF THE LEASEHOLD REFORM ACT 1967**

Applicant: Mr & Mrs Bowen

Respondent: Champlain Limited

Re: 66 Whitehorse Road, Brownhills, WS8 7PG

Date of Tenants Notice: 9 February 2001

RV as at 1.4.73: £220

Application dated: 26 March 2001

Heard at: The Panel Office

On: 21 November 2001

APPEARANCES:

For the Tenant: Mr A W Brunt FRICS – Anthony Brunt & Co

For the Landlord: Not represented

Members of the Leasehold Valuation Tribunal:

Mr R T Brown FRICS (Chairman)  
Mr D Salter LLB  
Mrs N Jukes

Date of Tribunals decision: 21 January 2002

UNEXPIRED LEASE	SS YEARS
ANNUAL GROUND RENT	£ 15.00
VALUE OF PROPERTY	£63,000

**LEASEHOLD VALUATION TRIBUNAL  
OF THE  
MIDLAND RENT ASSESSMENT PANEL**

Our Ref: M/LRC 259

*DECISION OF LEASEHOLD VALUATION TRIBUNAL*

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

Applicant: Mr & Mrs Bowen

Respondent: Champlain Limited

Re: 66 Whitehorse Road, Brownhills, WS8 7PG

Date of Tenants Notice: 9 February 2001

Application to Tribunal dated: 26 March 2001

Heard at: The Panel Office

On: 21 November 2001

APPEARANCES:

For the Applicant: Mr A W Brunt FRICS – Anthony Brunt & Co

For the Respondent: Not Represented

Members of the Leasehold Valuation Tribunal:

Mr R T Brown FRICS (Chairman)  
Mr D Salter LLB  
Mrs N Jukes

Date of Tribunals decision: 21 January 2002

**DECISION OF THE LEASEHOLD VALUATION TRIBUNAL**

in respect of

**MR & MRS R BOWEN -V -CHAMPLAIN LTD**

In respect of

**66 WHITEHORSE ROAD, BROWNHILLS, WS8 7PG**

**JURISDICTION**

This is a determination under section 9 of the Leasehold Reform Act 1967 (as amended) of the price to be paid for the Freehold interest of 66 Whitehorse Road, Brownhills, together with an application for the determination of legal costs to paid under Section 9 (4) of the above Act and schedule 22 part 1 (5) of the Housing Act 1980.

The lessee's hold the property by way of a lease dated 28<sup>th</sup> day of March 1960, for a term of 99 years commencing on 29<sup>th</sup> September 1957 at an annual ground rent of £15.00.

The Lessees' notice of claim is dated 9<sup>th</sup> February 2001 when there was approximately 55 years unexpired.

The Tribunal inspected the property on 21<sup>st</sup> November 2001 in the presence of the lessee, Mrs Bowen and her valuer, Mr A Brunt FRICS.

The property comprises:- A semi detached house constructed circa 1957 in traditional materials. The centrally heated and double glazed accommodation comprises. On the ground floor, porch, hall, through lounge, dining room, kitchen (fully fitted) open to utility area and snug (former garage). On the first floor, one single and two double bedrooms, bathroom, (full suite including shower cubicle). Outside, the property stands on a corner plot having gardens to the front side and rear. Access to double garage via Hanbury Road.

**THE HEARING**

At the hearing, Mr A W Brunt Valuer, appeared for the lessees Mr & Mrs Bowen.

The Freeholders, Champlain Ltd, were neither present nor represented.

Mr Brunt, in arriving at his entirety value had considered number 60 Whitehorse Road, which was offered for sale in September 2000, at an asking price of £64,995. This property had apparently not been sold and there was no other locally available evidence. Using his experience, Mr Brunt concluded that number 66 should have an entirety value of £63,000, and on this basis sets out his valuation below.

Term: £15 x YP for 55 yrs @ 7% (13.9399) =	£209
Reversion £63,000 x .333 x 7% x YP in perp def'd @ 7% (0.345) =	£507
	£716

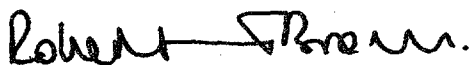
As far as section 9 costs are concerned, Mr Brunt stated that it did not appear that the freeholder had obtained a valuation, there was therefore no claim for a fee under section 9 (4) (e).

There has been no claim by the freeholder for proof of title, statutory declaration, or deposit, nor have they been asked to supply office copy entries of their freehold title. It would appear therefore that the Tenant has only to pay for their reasonable charges incurred in the transfer which he suggests is set at £200.00 plus VAT, if applicable.

### THE DECISION

1. Using our knowledge (but not any special knowledge) judgement and experience, as an expert tribunal, we accept Mr Brunt's valuation in its entirety.
2. The Tribunal note that no valuation appears to have been carried out by the freeholders, and therefore make no award of costs under section 9 (4) (e).
3. The Tribunal note Mr Brunt's comments with regard to the fact that the freeholder has not requested proof of title, statutory declaration, deposit and that the leaseholder has not requested proof of title from the freehold. No award of costs is therefore made under section 9 (4) (a) (b) (d).
4. No evidence was provided as to whether or not the title is registered. The Tribunal therefore make an award of costs under section 9 (4) (b) in the sum of £200.00 + VAT, if applicable and, if appropriate, actual disbursements in obtaining office copy register entries.
5. We determine that with the benefit of our inspection, use of our knowledge and experience in the evaluation of the evidence, adduced that the sum to be paid for the Freehold Interest in 66 Whitehorse Road, Brownhills, is in accordance with section 9 of the Leasehold Reform Act 1967 (as amended) £716 (seven hundred & sixteen pounds) and the freeholder's costs as determined above.

Robert T Brown FRICS  
Chairman



Date..... ~~12~~ JAN 2002 21 JAN 2002