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LVT 9

Our Ref: M/EH 2354c

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 G P J & Mrs J O'Neill

Respondent: St Ermins Property Co Limited

Re: 17 Claremont Road, Coton Green, Tamworth,
Staffordshire, B79 8EN

Date of Tenants Notice: 1 October 2001

RV as at 1.4.73: £230

Application dated: 7 December 2001

Heard at: The Panel Office

On: Friday 26 April 2002

APPEARANCES:

For the Tenant: J Moore – Midland Valuations

For the Landlord: Not represented

Members of the Leasehold Valuation Tribunal:

Mr J R Bettinson LLD (Chairman)
Mr D J Satchwell
Mrs N Jukes

Date of Tribunals decision: 31 MAY 2002

DECISION OF THE MIDLAND LEASEHOLD VALUATION TRIBUNAL

APPLICATION

This is a reference to determine the price to be paid by the Tenants Mr. and Mrs.G.P.O'Neill. for the freehold interest in the property known as No. 17 Claremont Road Tamworth Staffordshire B79 8ES in accordance with the provisions of the Leasehold Reform Act 1967 as amended. The Tenants hold the property under a Lease dated 23rd October 1963 for the unexpired residue of a term of 99 years from 25th March 1963 at a yearly ground rent of £17.50. The Tenants' Notice of Claim to acquire the freehold interest was dated 1st October 2001 when some 60.3/4 years of the term remained unexpired. The Parties accept that the qualifying conditions for enfranchisement under the Act have been met.

INSPECTION

Prior to the Hearing the Tribunal called to see the property which they found on inspection to be a semi detached house constructed of brick and tile fronting to a road of largely similar properties on the northern outskirts of Tamworth within reasonable distance of the town's amenities. The accommodation comprises on the ground floor an extended living room/diner kitchen and cloakroom and on the upper floor are three bedrooms (none of them very large) with a combined bathroom and WC. There is a garden at front and rear with a driveway at the side of the house giving access to a garage in the rear garden.

The site of the subject property has a road frontage of approximately 8.08 metres and an area of some 259.19 square metres

THE HEARING

This was attended by Mr. J.Moore of Messrs. Midland Valuations on behalf of the Tenant. The Landlords St. Ermins Property Co Limited were not represented. Mr. Moore in presenting his case (a copy of which he tabled) set out his valuation as follows

TERM

Ground Rent	£17.50	
YP 60.75 years @ 7%	14.051	245. 89

REVERSION

Entirety Value	£95,000	
Site value @ 33%	£31,350	
Sect.15 Rent @ 7%	£ 2,194. 50	
YP deferred for 60.75 yrs @ 7%	0.234	513. 51

		759. 40

In support of his Entirety Value, he referred to two comparable 3 bedroom semi detached houses which had recently been sold in the locality: No. 87 Telford Road – an extended semi

detached house sold for £83,000 and 22 Hayworth Close – an extended semi detached house in a cul-de-sac sold for £94,000. He believed his valuation of the subject property was therefore generous.

He also quoted previous decisions of the Tribunal as authority for adopting site values at 33% and a 7% yield rate

In response to a question, he did not feel that the open character of the playing fields at the rear distinguished this property from others in the road without that advantage

REASONING

The Landlords not having submitted any written representations to the contrary we see no reason not to accept Mr. Moore's valuation

COSTS

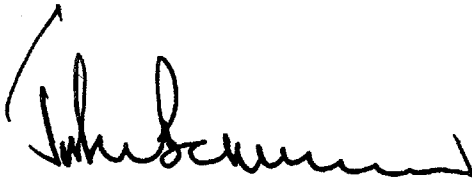
The Tenants had in addition requested the Tribunal to determine the Landlord's reasonable costs to be paid in accordance with Section 9(4) Leasehold Reform Act 1967 and Schedule 22 Rule 1(5) Housing Act 1980. Mr. Moore suggested a reasonable fee for the conveyancing work involved would be £200 (plus VAT if applicable). The freehold title was registered and there is previous Tribunal authority for the adoption of this figure. Moreover, a number of similar cases involving the same estate and title are being dealt with concurrently. No valuation appeared to have been undertaken prior to the application to the Tribunal although a Valuer had contacted him more recently for details of the property.

REASONING

The Tribunal has not usually taken into account the number of similar cases involved in determining legal costs but does maintain the view that in cases of this type the conveyancing is normally of a very straight forward nature which many Solicitors are prepared to undertake on a competitive basis. At the present time, a reasonable charge is believed to be £225 (excluding VAT) plus disbursements. Clearly there is no evidence that any valuation has been undertaken in consequence of the Tenants' Notice

DECISION

Accordingly, we determine the [price to be paid by the Tenants for the freehold interest in the subject property at £760 plus Landlord's legal costs of £225 (plus VAT if applicable) and disbursements



JOHN BETTINSON
CHAIRMAN

31st

May 2002