

LEASEHOLD VALUATION TRIBUNAL
OF THE
MIDLAND RENT ASSESSMENT PANEL

M/LRC 399

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

Applicants: Mr K and Mrs J P Mandir (leaseholders)

Respondents: Mr M Khan (freeholder)

Subject property: 172 Sarehole Road
Hall Green
Birmingham
B28 8EF

Date of tenants' notice: 8 December 1999

Application to the LVT: 25 March 2002

Hearing: 13 August 2002

Appearances:

For the applicants: Mr Hatton FRICS

For the respondent: No appearance

Members of the LVT: Professor N P Gravells MA
Mr J E Ravenhill FRICS
Mrs M A L McKenzie

Date of determination: 24 SEP 2002

Introduction

- 1 This is a decision on an application under the Leasehold Reform Act 1967 ("the 1967 Act") made to the Leasehold Valuation Tribunal by Mr and Mrs Mandir, leaseholders of the house and premises at 172 Sarehole Road, Hall Green, Birmingham B28 8EF ("the subject property"). The application is under section 21(1)(ba) for the determination of the reasonable costs payable under section 9(4).
- 2 The applicant leaseholders held the subject property under an underlease, dated 19 May 1927, for a term of 99 years less three days from 25 December 1926 at a ground rent of £7.00 per year. The underlease was assigned to the applicants on 1 October 1976. The unexpired term at the date of the Notice of Tenant's Claim to Acquire the Freehold was 26 years.
- 3 The applicants served on the respondent landlord a tenant's notice dated 9 December 1999 claiming to acquire the freehold interest in the subject property under the terms of the 1967 Act. On 26 September 2001 the applicants made an application to the Leasehold Valuation Tribunal under section 21(1)(a) of the 1967 Act for the determination of the price payable for the freehold interest in the subject property under section 9; and that determination was made on 7 May 2002. The present application was made on 25 March 2002.

Hearing

- 4 The hearing was attended by Mr and Mrs Mandir and Mr Hatton. The respondent freeholder did not attend and was not represented.

Representations of the parties

- 5 Mr Hatton, representing the applicant leaseholders, explained the background to the present application and emphasized the difficulty that the applicants had experienced in identifying and contacting the freeholder of the subject property. In particular, it appeared that the applicants had not been kept informed of successive transfers of the freehold interest in the subject property; and that the second transferee had even denied that the freehold interest had been transferred to him. In the circumstances, Mr Hatton submitted that any landlord's costs recoverable from the applicant leaseholders under section 9(4) of the 1967 Act should be determined at the minimum level.

Determination of the Tribunal

- 6 In the absence of any evidence of costs incurred by the landlord, the Tribunal holds that the costs recoverable from the applicants are limited to the costs of the conveyance of the subject property under paragraph (b) of section 9(4) of the 1967 Act, which the Tribunal determines at £250 (plus VAT if applicable).



NIGEL P GRAVELLS
CHAIRMAN

24 SEP 2002