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Ref. No. LON/LVT/1521/02

**LEASEHOLD VALUATION TRIBUNAL
FOR THE LONDON RENT ASSESSMENT PANEL**

**ADDENDUM TO DECISION OF THE LEASEHOLD
VALUATION TRIBUNAL ON AN APPLICATION UNDER
SECTION 21 OF THE LEASEHOLD REFORM ACT 1967**

Applicant: Cadogan Holdings Limited (Landlord)

Respondents: Richard Penrhyn Pockney and Antoinette Elizabeth Pockney (Tenants)

Re: 57 Shawfield Street, London SW3

Application to Tribunal by Cadogan Holdings Limited: 13 September 2002

Hearing date: 6 & 7 March 2003

Appearances: Mr. K.S. Munro (Counsel)
Miss L. Blackwell of Pemberton Greenish, Solicitors
Mr. A.J. McGillivray of W.A. Ellis
Mr. K.D. Gibbs FRICS of Gerald Eve

for the Applicant

Mr. T. Harry (Counsel)
Mr. S. Wortley of Pinsent Curtis Biddle, Solicitors
Mr. J. Shingles of Justin Shingles Limited

for the Respondents

Members of Leasehold Valuation Tribunal:

Mr. P.D. Wulwik LLB (Chairman)
Mr. J.R. Humphrys FRICS
Mrs. C.A. Lewis FCI Arb

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57 Shawfield Street, London SW3

1. The Tribunal issued their decision in this matter on 3 April 2003.
2. Following the issue of the decision, a letter was received by the Tribunal from the Respondent tenants' Solicitors Pinsent Curtis Biddle dated 13 April 2003, alleging that there was an error in the Tribunal's unimproved leasehold value of £1,090,000 in the light of paragraph 37 of the decision dealing with the comparable of 36 Shawfield Street where it was stated that :-

"The Tribunal consider it unlikely that a properly advised purchaser would pay more than one half of the half share of marriage value when acquiring the leasehold interest with the right to enfranchise".
3. The letter from Pinsent Curtis Biddle requested that the Tribunal correct what they perceived to be an error in the Tribunal's valuation under Regulation 11(2) of the Rent Assessment Committee (England & Wales) (Leasehold Valuation Tribunal) Regulations 1993.
4. A letter was sent by the Leasehold Valuation Tribunal to the Applicant landlord's Solicitors Pemberton Greenish dated 15 April 2003, forwarding a copy of the letter from Pinsent Curtis Biddle and asking for any comments within 14 days.

5. On 23 April 2003 Pemberton Greenish replied stating that what the letter from Pinsent Curtis Biddle was trying to do was not to correct an error but to reopen the Tribunal's decision and that if they wished to pursue the matters raised in the letter then the proper course was to appeal the Tribunal's decision.

6. By Regulation 11(2) of the Rent Assessment Committee (England & Wales) (Leasehold Valuation Tribunal) Regulations 1993 it is provided that :-

"The chairman (or, in the event of his absence or incapacity, another member of the Tribunal) shall have power, by certificate under his hand, to correct any clerical mistakes in the document [viz. the document containing the Tribunal's decision] or any error arising in it from an accidental slip or omission".

7. The Tribunal are satisfied that the decision dated 3 April 2003 contains the following error arising in it from an accidental slip or omission namely that the last sentence of paragraph 37 of the decision should have read as follows :-

"The Tribunal consider it unlikely that a properly advised purchaser would pay more than one half of the total marriage value when acquiring the leasehold interest with the right to enfranchise".

8. The Tribunal's valuation and the enfranchisement price payable by the Respondent tenants remain as stated in the Tribunal's decision.

9. By a correction certificate attached hereto and signed by the Chairman under Regulation 11(2) of the 1993 Regulations, the Tribunal hereby correct the error arising in the

Tribunal's decision from an accidental slip or omission, as referred to in this Addendum to the Tribunal's decision.

Chairman *P. Wulwik*
Peter Wulwik

Date: *28 April* 2003

**RENT ASSESSMENT COMMITTEE (ENGLAND & WALES)
(LEASEHOLD VALUATION TRIBUNAL) REGULATIONS 1993**

Correction Certificate under Regulation 11(2) of the above Regulations

Re: 57 Shawfield Street, London SW3

As Chairman of the Leasehold Valuation Tribunal which determined the above case, I hereby correct the following error arising from an accidental slip or omission made in the decision of the Tribunal dated 3 April 2003.

The last line of paragraph 37 of the decision stated that :-

"The Tribunal consider it unlikely that a properly advised purchaser would pay more than one half of the half share of marriage value when acquiring the leasehold interest with the right to enfranchise".

I hereby correct the error arising from an accidental slip or omission and certify that the decision should be read and construed as follows. The last line of paragraph 37 should read :-

"The Tribunal consider it unlikely that a properly advised purchaser would pay more than one half of the total marriage value when acquiring the leasehold interest with the right to enfranchise".

Chairman
Peter Wulwik

Date: 28 April 2003