

LEASEHOLD VALUATION TRIBUNAL  
OF THE  
MIDLAND RENT ASSESSMENT PANEL

**Introduction**

1. This was a preliminary hearing to determine whether the tenant's notice dated 12 December 2002 to acquire the freehold in 43 Oundle Road, Great Barr, Birmingham was valid. In the notice of that date Mrs J L Barley had stated that she was the tenant.

**Hearing**

2. Mr A W Brunt represented the tenant at the hearing and Mr G Dixon the landlord, Michael Estates Limited.

**Representations of the Parties**

3. Mr Brunt explained that Mrs J L Barley is the daughter of the tenant, Mr H H Moseley, and that she had made the application on her father's behalf as his mental condition was such that he could not manage his own affairs.
4. Mr Brunt stated that on 14 January 2003 the Court of Protection had made an Order giving Mrs J L Barley the power to sell 43 Oundle Road and more recently on the 23 March 2004 had made an Order authorising Mrs Barley to purchase the freehold reversion in 43 Oundle Road and for that purpose to execute or sign any documents relating to the purchase. The copy of the Order of 23 March 2004 was produced to the Tribunal by Mr Brunt.
5. Mr G Dixon stated that he had received legal advice that the notice was not valid preceding as it did the two Orders of the Court of Protection dated 14 January 2003 and 23 March 2004 respectively.

**Decision**

6. The Tribunal found that at the time of the tenant's notice of 12 December 2002 Mrs L J Barley had no authority from the Court of Protection to complete and serve the notice on behalf of her father.
7. The Tribunal also found that the authorisation given to Mrs L J Barley by the Court Protection on 23 March 2004 to purchase the freehold in 43 Oundle Road in the name of and on behalf of her father was not retrospective.

8. In consequence of the above findings the Tribunal determined that the tenant's notice of 12 December 2002 was invalid.

*APB*

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A P Bell  
Chairman

Dated **25 MAY 2004** 2004