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Residential  
Property  
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**LONDON RENT ASSESSMENT PANEL  
LEASEHOLD VALUATION TRIBUNAL**

**Case Reference: LON/00AC/OCE/2007/0303**

**DETERMINATION OF THE LEASEHOLD VALUATION TRIBUNAL ON A  
TRANSFER FROM BARNET COUNTY COURT UNDER SECTION 26 OF  
THE LEASEHOLD REFORM, HOUSING AND URBAN DEVELOPMENT  
ACT 1993**

**Claimants:** Ms K N Freeman and Mrs B S Ebrahim

**Nominee Purchaser:** Wilberforce Limited

**Defendants:** Mr T H Sarfraz and Ms S Kadar

**Premises:** 47 Wilberforce Road, London NW9 6JL

**Dates of Transfer from Court:** 15 January 2007 and 31 August 2007

**Leasehold Valuation Tribunal:** Mr J C Avery BSc FRICS  
Mr L G Packer

**Date of Determination:** 3 December 2007

**Decision**

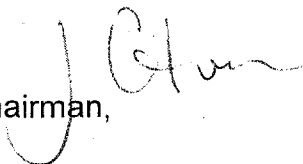
**The premium determined by the Tribunal is £13,390**

**Preliminary**

1. On 15 January 2007 Barnet County Court transferred to the Tribunal a claim for an order under section 26 of the Leasehold Reform, Housing and Urban Development Act 1993 ("the Act") in the belief that the relevant landlord could not be found. The subsequent appearance of the alleged freeholders resulted in a reference back to the Court but the matter was returned to the Tribunal on 31 August 2007.

11. Mr Cohen adopts a valuation date of 18 September 2006 but, since under Section 27(1)(b) the date of the initial notice is taken to be the date of application to the Court, the date of 31 October 2006 would appear to be the correct date. However the Tribunal finds that the difference in time is not material to the values, but alters slightly the terms unexpired.
12. The Tribunal accepts Mr Cohen's analysis of the comparable transactions, and the 96% relativity, as consistent with its own experience.
13. In valuing the ground rents receivable the Tribunal accepts the rate of 7.5% on the basis of its own experience, but observes that the flats have identical rent patterns, whereas Mr Cohen has wrongly used £250 instead of £225 for the third period for the first floor flat.
14. In valuing the reversion to freehold it was appropriate that he had regard to the decision of the Lands Tribunal in *Sportelli*. On appeal the Court of Appeal, in its judgement handed down on 25 October 2007, [2007] EWCA Civ 1042, made some observations on the application of the rate of 5% to premises outside the "Prime Central London" area but Mr Cohen has not adduced any evidence, as would be required following that judgment, to alter his view.
15. Accordingly, making the changes required by the above corrections the premium determined by the Tribunal is £13,390 as calculated in the attached Appendix.

J C Avery, Chairman,



Date 3 December 2007

Appendix

Valuation of 47 Wilberforce, West Hendon, London NW9 6AT

Date of valuation	October 31, 2006
Expiry of leases	June 24, 2085
Term unexpired at date of valuation	78.65
Appropriate yield for term	7.5%
Appropriate yield for reversion	5.0%
Multiplier for 12.65 years	7.992
Multiplier for 33 years	12.107
PV in 12.65 years	0.4006
PV in 45.65 years	0.0368
PV of reversion in 78.65 years	0.02155
Lessor's share of marriage value	50%
Rents to next review	£150
Rents to second review	£300
Rents to expiry	£450
Value of unimproved freehold	£391,000
Value of existing leases	£375,500

Calculation

Value of unimproved freehold £391,000

Lessees' interests

(a) Value of existing leasehold interests £375,500

Freeholder's interest

Present ground rents	£150		
YP 12.65 yrs 7.5%	7.992		
			£1,199
Ground rents from 2019	£300		
YP 33 yrs	12.107		
PV in 12.65 yrs	0.401		
		4.85	
			£1,455
Ground rents from 2052	£450		
YP 33 yrs	12.107		
PV in 45.65 yrs	0.037		
		0.45	
			£200
(b) Value of term			£2,854

Freehold value with vacant possession	£391,000	
PV in 78.65 yrs 5%	0.0216	
(c) Value of reversion		£8,426

(d) Value of freeholder's interest (b) + (c) £11,280

Marriage value

Deduct Total of existing interests (a) + (d)	<u>£386,780</u>
Marriage value	£4,220
Landlord's share	50%
	<u>£2,110</u>
Add value of Freehold interest	<u>£11,280</u>

**Enfranchisement price £13,390**