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**HM COURTS & TRIBUNALS SERVICE**

**LEASEHOLD VALUATION TRIBUNAL**

Premises 42 and 42a, Sydney Road,  
London N8 0EX

Claimants A.Bailin, K.Thompson, B.Taggart

Defendant I.Christoforu

Case Number LON/00AP/OCE/2012/0049

Type of Case Enfranchisement – Missing Landlord  
(Sections 26 and 27 of the Leasehold  
Reform, Housing and Urban  
Development Act 1993 – the Act)

Date of Decision 10<sup>th</sup> May 2012

Tribunal A.J.ENGEL M.A.(Hons.) - Chairman  
E.FLINT F.R.I.C.S.

**DECISIONS**

- A. The price payable for the Defendant's interest in the Premises is £7,248 (£3,727 for No.42 and £3,521 for No.42a)**
- B. The (estimated) amount payable due to the transferor (under Section 27(5)(b) of the Act is £175 (being £25 in respect of No.42 and £150 in respect of No.42a).**

## REASONS

### **Background**

1. 42, Sydney Road is divided into 2 flats – No 42 (Ground Floor) and No.42a.(First Floor).
2. The Claimants are the (long) lessees of the flats. Both leases grant terms of 125 years from 24<sup>th</sup> June 1974 at a ground rent of £25 per annum.
3. The Defendant is the freeholder and (missing) Landlord.
4. On 18<sup>th</sup> August 2011, the Claimants applied to Edmonton County Court (Claim No. 1 ED 01473) for an order pursuant to Sections 26 and 27 of the Act – which deals with missing Landlords.
5. On 13<sup>th</sup> February 2012, Edmonton County Court referred the matter to this Tribunal – pursuant to Section 27 of the Act.

### **Evidence**

6. The Tribunal had before it a written valuation report from Mr Andrew Cohen M.R.I.C.S. of Talbots Surveying Services Limited.

### **Inspection**

7. On 10<sup>th</sup> May 2012, the members of the Tribunal inspected the exteriors of the subject Premises and other premises referred to in Mr Cohen's report.

### **Determination**

8. The date of the valuation is 18<sup>th</sup> August 2011 – the date of the claim – see Section 26(5)(a) of the Act.

9. We agree with Mr Cohen that the starting point for the capitalisation rate should be 7%; however, we do not agree with Mr Cohen that the factors mentioned in his report should lead to the rate being increased. We, therefore determine the capitalisation rate at 7%.

10. The unexpired terms, as at the valuation date, are 87.85 years

11. We agree with Mr Cohen that the appropriate deferment rate is 5%.

12. We determine that the freehold values of the flats, as at the valuation date - after deducting for the tenants' improvements referred to in Mr Cohen's report - are

No. 42 - £245,000

No. 42a - £230,000.

(On the evidence before the Tribunal, we concluded that the Ground Floor flat was somewhat more desirable than the First Floor flat.)

### Valuation

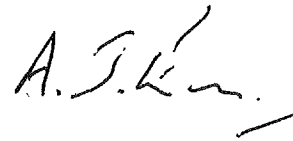
13. Thus, our valuation is:-

|                     |          |               |
|---------------------|----------|---------------|
| Ground Rent         | £50      |               |
| YP 87.85 years @ 7% | 14.248   | £712          |
| Reversion           |          |               |
| 42                  | £245,000 |               |
| 42a                 | £230,000 |               |
| PV 87.85 years @ 5% | 0.01376  | £6,536        |
|                     |          | <b>£7,248</b> |
| (£3,727 re No.42    |          |               |
| £3,521 re No.42a)   |          |               |

**Section 27(5)(b)**

14. The sum due is £175, being £25 in respect of No.42 and £150 in respect of No.42a.

SIGNED:

A handwritten signature in black ink, appearing to read 'A.J. Engel', with a horizontal line underneath.

(A.J.ENGEL – Chairman)