

HM COURTS & TRIBUNALS SERVICE**LEASEHOLD VALUATION TRIBUNAL**

In the matter of an Application under
Sections 21(1)(cza), 21(2) and 27(5) of the Leasehold Reform Act 1967

Case No.	CHI/00MS/OLE/2012/0003
Property:	Plot 2 West Road Woolston Southampton SO19 9AJ
Between:	Mr. James Reid ("the Applicant")
	and
	Person(s) Unknown ("the Respondent(s)")
Date of Consideration:	5th March 2013
Members of the Tribunal:	Mr. R. Norman Mr. R. Athow FRICS MIRPM
Date Decision Issued:	15th March 2013

PLOT 2 WEST ROAD, WOOLSTON, SOUTHAMPTON SO19 9AJ**Decision**

1. The Tribunal has determined for the reasons set out below that the price to be paid for the freehold reversion in respect of Plot 2, West Road, Woolston, Southampton SO19 9AJ ("the subject property") is £1. The terms of the draft transfer are approved subject to the following amendments:

- (a) Clause 8 by the insertion of the sum of £1, the date of payment and the lodgement receipt reference.
- (b) Clause 11.1 by the insertion of the sum of £1 and the date of this decision of the Leasehold Valuation Tribunal.
- (c) Clause 11.5 by the insertion of the date of this decision of the Leasehold Valuation Tribunal.

Reasons

2. The Land Registry has registered Mr. James Reid ("the Applicant") as the underlessee of the subject property and he made an application to the County Court (Claim No. 2SO00045) under the Leasehold Reform Act 1967 ("the Act") for enfranchisement in relation to the subject property.

3. On 23rd April 2012, the County Court being satisfied that the Applicant is entitled pursuant to the provisions of Section 27 of the Act to have vested in him the freehold of the subject property by virtue of Section 8(1) of the Act, made an order that:

(a) The appropriate sum to be paid into Court by the Applicant pursuant to Section 27(5) of the Act shall be determined by the Leasehold Valuation Tribunal.

(b) The sum shall be so determined as if the Applicant had on 18th January 2012 (the date of issue of the proceedings) duly given notice of his desire to purchase the freehold pursuant to Section 8 of the Act.

(c) The conveyance shall be in a form approved by the Leasehold Valuation Tribunal in accordance with Section 27(3) of the Act.

4. On 4th October 2012 directions were issued and with those directions the Tribunal gave notice to the parties under Regulation 13 of the Leasehold Valuation Tribunals (Procedure)(England) Regulations 2003, as amended by Regulation 5 of the Leasehold Valuation Tribunals (Procedure) (Amendment) (England) Regulations 2004, that the Tribunal intended to proceed to determine the matter on the basis only of written representations and without an oral hearing. Also that if it were dealt with in that fashion it might be considered by a Chairman sitting alone, or alternatively with another Member of the Panel, rather than by a full tribunal of three members. The parties were given the opportunity to object to that procedure by writing to the Tribunal no later than 28 days from the 4th October 2012. No written objection has been received and the matter is being dealt with on the basis only of written representations and without an oral hearing.

5. On 3rd October 2012 the Tribunal received the following:

(a) Copy claim form.

(b) Copy supporting witness statement of Jennifer Sian Roberts, solicitor for the Applicant, dated 16th January 2012 and exhibits thereto including copies of a Land Registry entry for the underleasehold of the subject property and correspondence.

(c) Copy Order of the County Court dated 23rd April 2012.

(d) Report of Mr. K. J. Veness BSc FRICS dated 13th August 2012.

(e) Draft transfer.

6. Further directions were issued and further documents have been received by the Tribunal.

7. The Tribunal has considered the documents supplied on behalf of the Applicant.

8. The Land Registry entry produced shows the underlease to be for a term of 1000 years wanting one day from 25th March 1853; leaving 841 years to run.

9. The way in which the title to the subject property has devolved is by no means straightforward. However, based on the evidence supplied and in particular that the Land Registry has registered the Applicant as the holder of the underleasehold interest in the subject property, the Tribunal has found that it is able to reach a decision in respect of the matters referred to it by the County Court.

10. The Tribunal considered various ways of arriving at the sum to be paid by the Applicant in respect of the freehold reversion and found that whichever method was employed there was no justification for anything other than a nominal sum to be paid.

11. The only amendments required to be made to the draft transfer are details resulting from this decision and details of payment.



R. Norman
Chairman