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**FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)**

Case Reference : **MAN/00CC/OAF/2013/0022**

Property : **125 Sheffield Road, Birdwell, Barnsley S70 5TA**

Applicant : **Michael Paul Fountain**

Respondent : **Laurel Trading Limited**

Type of Applications : **Application for a determination of the price payable on enfranchisement, the provisions which ought to be contained in the conveyance and the Respondent's costs: s 21 (1)(a) and (ba) & 21(2) of the Leasehold Reform Act 1967**

Tribunal Members : **A M Davies, LLB
C F Evans, FRICS**

Date of Decision : **16 April 2014**

DECISION

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Order

1. The price to be paid by the Applicant to the Respondent for the freehold interest in 125 Sheffield Road, Birdwell, Barnsley ("the Property") is £17.
2. The Property shall be transferred by a Transfer in the form attached to this Decision.
3. The Applicant shall pay the Respondent's legal costs assessed at £150 plus VAT, which costs may be paid by setting off £180 against the costs order in favour of the Applicant made by Deputy District Judge Armitage on 18 November 2013 in the Barnsley County Court case number 3BY00221 insofar as those costs have not been received from the Respondent.

Reasons

1. The Applicant has served an effective Notice of Claim to acquire the freehold of the Property. His notice is dated 26 April 2013 and was served on the Respondent's predecessor in title. The Applicant has protected his Notice of Claim by a Unilateral Notice registered on 29 April 2013 against the title of the Property, number SYK 569483.
2. Section 5(1) of the Leasehold Reform Act 1967 ("the Act") provides that a Notice of Claim to acquire a freehold is binding on assignees of the landlord. The Respondent is such an assignee.
3. The Respondent has not replied to the Notice of Claim, and the Applicant has obtained an order in the Barnsley County Court dated 7 November 2013 confirming his right to acquire the Property under the Act.
4. The Applicant holds the Property under a lease which expires on 1st August 2014, at a ground rent of £1.08 pa. The correct basis of valuation of the freehold is section 9(1) of the Act.
5. The Respondent has not suggested a price for the freehold. The Applicant has obtained a valuation from Mr J M Francis FRICS dated 14 March 2013, in the sum of £16.62 and proposes that he pays that sum for the freehold.
6. The Tribunal agrees with Mr Francis that given the length of the remaining term of the Applicant's lease (over 900 years), it is appropriate to calculate the value of the freehold by reference to years purchase of the ground rent, but not appropriate either to assume a 50 year lease extension or to include a "Haresign addition" relating to the estimated value of the Property at the end of the lease term.
7. In the absence of evidence to the contrary, the tribunal agrees with Mr Francis that 6.5% is the appropriate rate of return to adopt when valuing the ground rent in perpetuity and determines the purchase price at £17 being a rounded up figure.
8. The Tribunal approves for use the form of transfer supplied by the Applicant at MPF10 of his bundle and attached to this Decision.

9. The Respondent is entitled to costs from the Applicant under clause 9(4) of the Act. There is no indication that surveyor's or valuer's fees have been incurred. Legal fees may be incurred in connection with this order and the transfer, and are assessed at £150 plus VAT. A costs order having been made in favour of the Applicant in the Barnsley County Court in the sum of £1449.40, the Applicant may pay the Respondent £180 pursuant to this order by setting that sum off against costs due from the Respondent insofar as those costs have not been paid.

Land Registry

TR1

Land Registry Form TR1 (Transfer of registered land)

If you need more room than is provided for in a panel, and your software allows, you can expand any panel in the form. Alternatively use continuation sheet CS and attach it to this form.

| | |
|---|--|
| 1 | Title number(s) of the property: SYK569483 |
| 2 | Property: 125 Sheffield Road, Birdwell, Barnsley, S70 5TA |
| 3 | Date: |
| 4 | Transferor: LAUREL TRADING LTD For UK incorporated companies/LLPs Registered number of company or limited liability partnership including any prefix: 08467412 |
| 5 | Transferee for entry in the register: MICHAEL PAUL, FOUNTAIN For UK incorporated companies/LLPs Registered number of company or limited liability partnership including any prefix: : |
| 6 | Transferee's intended address(es) for service for entry in the register: 74 WORKSBROUGH ROAD, BIRDWELL, BARNLEY S70 5RE |
| 7 | The transferor transfers the property to the transferee |
| 8 | Consideration <input checked="" type="checkbox"/> The transferor has received from the transferee for the property the following sum (in words and figures): SEVENTEEN POUNDS Pounds £17 <input type="checkbox"/> The transfer is not for money or anything that has a monetary value <input type="checkbox"/> Insert other receipt as appropriate: |
| 9 | The transferor transfers with <input type="checkbox"/> full title guarantee <input checked="" type="checkbox"/> limited title guarantee |

10 Declaration of trust. The transferee is more than one person and

they are to hold the property on trust for themselves as joint tenants

they are to hold the property on trust for themselves as tenants in common in equal shares

they are to hold the property on trust:

11 Additional provisions

12 Execution
 Signed as a Deed by LAUREL TRADING LIMITED
 acting by a Director in the presence of:-

Signature

Print Name

Address

.....

Signed as a Deed by
 MICHAEL PAUL FOUNTAIN
 in the presence of:

.....

Witness Signature

Witness Print Name

Witness Address

.....

WARNING
 If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

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