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

**Case Reference** : LON/OOAQ/OCE/2016/0094

**Property** : 146 Byron Road, Wealdstone,  
Harrow, Middlesex HA3 7TG

**Applicant** : Nagiana Sharif

**Representative** : Tolhurst Fisher LLP

**Respondent** : Mr Mohammed Taj (1)  
Mr Mohammed Iqbal (2)

**Representative** : None

**Type of Application** : Determination of premium payable  
under Schedule 9(1) of the  
Leasehold Reform Act 1967

**Tribunal Members** : Mrs F J Silverman Dip Fr LLM  
Ms M Krisko Bsc (Est Man) BA  
FRICS

**Date and venue of  
Paper Determination** : 7 June 2016  
10 Alfred Place, London WC1E 7LR

**Date of Decision** : 7 June 2016

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**DECISION**

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16. The Tribunal accepts that the 5% contended by Mr Stapleton should be applied as we see no basis upon which to depart from the *Sportelli* rate.
17. The Tribunal accepts Mr Stapleton's relativity rate of 92.7% which is based on an average of five Greater London graphs from RICS evidence.
18. Accordingly the Tribunal agrees with Mr Stapleton's valuation which concludes that the price to be paid into court for the freehold of the property is £21,175.00.
19. We are satisfied with the terms of the transfer as set out in the transfer submitted to us.

**Name:** Judge F J Silverman

**Date:** 7 June 2016

**Appendix of relevant legislation**

**Leasehold Reform, Housing and Urban Development Act 1993  
(as amended)**

**Section 26**

*26 Applications where relevant landlord cannot be found.*

*(1) Where not less than two-thirds of the qualifying tenants of flats contained in any premises to which this Chapter applies desire to make a claim to exercise the right to collective enfranchisement in relation to those premises but—*

*(a) (in a case to which section 9(1) applies) the person who owns the freehold of the premises cannot be found or his identity cannot be ascertained, or*

*(b) (in a case to which section 9(2) or (2A) applies) each of the relevant landlords is someone who cannot be found or whose identity cannot be ascertained,*

*the court may, on the application of the qualifying tenants in question, make a vesting order under this subsection—*

(i)with respect to any interests of that person (whether in those premises or in any other property) which are liable to acquisition on behalf of those tenants by virtue of section 1(1) or (2)(a) or section 2(1), or

(ii)with respect to any interests of those landlords which are so liable to acquisition by virtue of any of those provisions,  
as the case may be.

(2)Where in a case to which section 9(2) applies—

(a)not less than two-thirds of the qualifying tenants of flats contained in any premises to which this Chapter applies desire to make a claim to exercise the right to collective enfranchisement in relation to those premises, and

(b)paragraph (b) of subsection (1) does not apply, but

(c)a notice of that claim or (as the case may be) a copy of such a notice cannot be given in accordance with section 13 or Part II of Schedule 3 to any person to whom it would otherwise be required to be so given because he cannot be found or his identity cannot be ascertained,

the court may, on the application of the qualifying tenants in question, make an order dispensing with the need to give such a notice or (as the case may be) a copy of such a notice to that person.

(3)If, in a case to which section 9(2) applies, that person is the person who owns the freehold of the premises, then on the application of those tenants, the court may, in connection with an order under subsection (2), make an order appointing any other relevant landlord to be the reversioner in respect of the premises in place of that person; and if it does so references in this Chapter to the reversioner shall apply accordingly.

(3A)Where in a case to which section 9(2A) applies—

(a)not less than two-thirds of the qualifying tenants of flats contained in any premises to which this Chapter applies desire to make a claim to exercise the right to collective enfranchisement in relation to those premises, and

(b)paragraph (b) of subsection (1) does not apply, but

(c)a copy of a notice of that claim cannot be given in accordance with Part II of Schedule 3 to any person to whom it would otherwise be required to be so given because he cannot be found or his identity cannot be ascertained,

*the court may, on the application of the qualifying tenants in question, make an order dispensing with the need to give a copy of such a notice to that person.*

*(4)The court shall not make an order on any application under subsection (1) (2) or (3A) unless it is satisfied—*

*(a)that on the date of the making of the application the premises to which the application relates were premises to which this Chapter applies; and*

*(b)that on that date the applicants would not have been precluded by any provision of this Chapter from giving a valid notice under section 13 with respect to those premises.*

*(5)Before making any such order the court may require the applicants to take such further steps by way of advertisement or otherwise as the court thinks proper for the purpose of tracing the person or persons in question; and if, after an application is made for a vesting order under subsection (1) and before any interest is vested in pursuance of the application, the person or (as the case may be) any of the persons referred to in paragraph (a) or (b) of that subsection is traced, then no further proceedings shall be taken with a view to any interest being so vested, but (subject to subsection (6))—*

*(a)the rights and obligations of all parties shall be determined as if the applicants had, at the date of the application, duly given notice under section 13 of their claim to exercise the right to collective enfranchisement in relation to the premises to which the application relates; and*

*(b)the court may give such directions as the court thinks fit as to the steps to be taken for giving effect to those rights and obligations, including directions modifying or dispensing with any of the requirements of this Chapter or of regulations made under this Part.*

*(6)An application for a vesting order under subsection (1) may be withdrawn at any time before execution of a conveyance under section 27(3) and, after it is withdrawn, subsection (5)(a) above shall not apply; but where any step is taken (whether by the applicants or otherwise) for the purpose of giving effect to subsection (5)(a) in the case of any application, the application shall not afterwards be withdrawn except—*

*(a)with the consent of every person who is the owner of any interest the vesting of which is sought by the applicants, or*

*(b)by leave of the court,*

*and the court shall not give leave unless it appears to the court just to do so by reason of matters coming to the knowledge of the applicants in consequence of the tracing of any such person.*

*(7) Where an order has been made under subsection (2) or (3A) dispensing with the need to give a notice under section 13, or a copy of such a notice, to a particular person with respect to any particular premises, then if—*

*(a) a notice is subsequently given under that section with respect to those premises, and*

*(b) in reliance on the order, the notice or a copy of the notice is not to be given to that person,*

*the notice must contain a statement of the effect of the order.*

*(8) Where a notice under section 13 contains such a statement in accordance with subsection (7) above, then in determining for the purposes of any provision of this Chapter whether the requirements of section 13 or Part II of Schedule 3 have been complied with in relation to the notice, those requirements shall be deemed to have been complied with so far as relating to the giving of the notice or a copy of it to the person referred to in subsection (7) above.*

*(9) Rules of court shall make provision—*

*(a) for requiring notice of any application under subsection (3) to be served by the persons making the application on any person who the applicants know or have reason to believe is a relevant landlord; and*

*(b) for enabling persons served with any such notice to be joined as parties to the proceedings.*