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

Case Reference : **MAN/00CB/OAF/2016/0004**

Property : **24a Queens Road, Hoylake, Wirral CH47 2AH**

Applicants : **Mr & Mrs A D French**

Respondent : **None (missing landlord)**

Type of Application : **Leasehold Reform, Housing and Urban Development Act 1993 – section 27**

Tribunal Members : **Judge C Wood
Mr I James**

Date of Decision : **30 October 2016**

DECISION

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DECISION

1. The Tribunal determined that, in accordance with s27(5) and Schedule 6 of the Leasehold Reform, Housing and Urban Development Act 1993, (“the 1993 Act”), the price payable for the freehold interest in the Property is nil.

BACKGROUND

2. Further to an order dated 29 March 2016 (by which it was ordered that the freehold title to the Property be vested in the Applicants), the Applicants made an application dated 16 May 2016 pursuant to section 27 of the 1993 Act, (“the Application”), to determine “the appropriate sum” to be paid for the freehold interest in the Property, in accordance with section 27(5).
3. A Case Management Conference was arranged for 29 June 2016 at which the Applicants did not attend.
4. Directions dated 4 July 2016 were issued pursuant to which the Applicants confirmed that they were happy for the matter to be dealt with as a paper determination.
5. The Application was scheduled for determination as a paper determination on Wednesday, 12 October 2016.

LAW

6. For the purposes of this Decision, the relevant provisions of section 27 of the 1993 Act are as follows:

- 6.1 (3) Where any interests are to be vested in any person or persons by virtue of a vesting order under section 26(1), then on his or their paying into court the appropriate sum in respect of each of those interests there shall be executed by such person as the court may designate a conveyance which—

(a) is in a form approved by a leasehold valuation tribunal, and

(b) contains such provisions as may be so approved for the purpose of giving effect so far as possible to the requirements of section 34 and Schedule 7;

and that conveyance shall be effective to vest in the person or persons to whom the conveyance is made the interests expressed to be conveyed, subject to and in accordance with the terms of the conveyance.

- 6.2 (5) The appropriate sum which in accordance with subsection (3) is to be paid into court in respect of any interest is the aggregate of—
- (a) such amount as may be determined by a leasehold valuation tribunal to be the price which would be payable in respect of that interest in accordance with Schedule 6 if the interest were being acquired in pursuance of such a notice as is mentioned in subsection (1)(b); and
 - (b) any amounts or estimated amounts determined by such a tribunal as being, at the time of execution of the conveyance, due to the transferor from any tenants of his of premises comprised in the premises in which that interest subsists (whether due under or in respect of their leases or under or in respect of agreements collateral thereto).

EVIDENCE

7. The Applicants' representations were set out in a letter dated 6 July 2016, and included the following evidence in support of their application:
- 7.1 Land Registry entries as at 9 October 2015 in respect of the freehold and leasehold titles to the Property together with the title plans;
 - 7.2 a copy of the lease of the Property dated 29 March 1985;
 - 7.3 a statement from the Applicants that as the lease is for a term of 999 years from 29 March 1985 at a peppercorn rent, the freehold is of "negligible value".

TRIBUNAL'S DELIBERATIONS

8. Having regard to the provisions of Schedule 6 to the 1993 Act, the terms of the lease, the length of the unexpired term and the ground rent of a peppercorn, the Tribunal determined that the value of the freehold interest is nil.
9. Notwithstanding that the Directions suggested that the Applicants submit a draft transfer to the Tribunal, the Applicants had failed to do so with the result that the Tribunal was unable to approve it in accordance with section 27(3)(a).