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

Case Reference : LON/00AE/OCE/2015/0191

Property : 100 Ivy Road, NW2 6XJ

Applicants : Patrick George Culleton &
Patrick Vincent Keating

Representative : Eracleous & McKenna Solicitors
LLP

Respondent : Donail O'Connell

Representative : None

Type of Application : Acquisition of freehold (Section 13
Leasehold Reform, Housing and
Urban Development Act 1993) –
Missing Landlord

Tribunal Members : Mr M Martynski (Tribunal Judge)
Mr P M J Casey MRICS

Date of Decision : 1 September 2015

DECISION

Decision summary

1. The premium to be paid for the freehold of the freehold interest in the subject house at 100 Ivy Road is £34,835.00.
2. The Applicants' solicitors must by no later than 11 September 2015 send to the tribunal the transfer form TR1 for approval

Background

3. The subject property is a mid-terraced Edwardian house converted into two self-contained flats.
4. The Applicants' leases of the flats in the house are for terms of 99 years from 28 February 1991.
5. The Applicants' Claim Notice claiming the right to the freehold interest in the subject house is dated 20 May 2014.
6. In proceedings issued in the Willesden County Court on 3 September 2014, the Applicants applied for an order dispensing with service of the Claim Notice and for an order that the freehold interest vest in the Applicants.
7. On 20 March 2015, Deputy District Judge Hussain made an order in the following terms:-
 1. Service of the Initial Notice, Claim Form and Application Notice dated 2nd September 2014 upon the defendant is dispensed with.
 2. Pursuant to section 26 (1) of the Leasehold Reform, Housing and Urban Development Act 1993 the freehold interest in the property shall vest in the nominee purchaser of the claimants namely 100AB Ivy Road Limited on such terms as may be determined by the first tier tribunal.
 3. The claim is referred to the first Tier property Tribunal for a determination of the terms and price of the acquisition of the freehold of the property.
8. The matter was set down for a determination of the application by this tribunal on the papers alone. The Applicant did not request an oral hearing.

The Applicant's valuation

9. The Applicant relied upon the written valuation report of Mr Barry Passmore BSc (Hons) Est Man MRICS ACIarb dated 18 August 2015. The valuation date taken in the report is the date of the issue of the claim made in the County Court, that being 3 September 2014.
10. We accept Mr Passmore's report and in particular his figures for unimproved market value with share of freehold being;
£465,000 (A)
£430,000 (B)
and his chosen relativity rate of 95%.

Conclusions and decision

11. We have adopted Mr Passmore's valuation and proposed premium of £34,835.

12. The Applicant's solicitors must by no later than 11 September 2015 send to the tribunal the transfer form TR1 for approval.

Mark Martynski, Tribunal Judge
1 September 2015