

4293



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

Case Reference : LON/00AN/OCE/2016/0191

Property : 76 Overstone Road, London W6
0AB

Applicants : Georgia Rose Watt & Sophie Grace
Watt (1) and
James Eric Vere Summer (2)

Representative : Gisby Harrison Solicitors

Respondents : Colin Antony McCoy (1) and
Joshua Roger Michael Palmer (2)

Representative : None

Type of Application : Approval of the terms of the
conveyance and determination of
the appropriate sum to be paid into
court – section 27(3) and (5)
Leasehold Reform, Housing and
Urban Development Act 1993

Tribunal Members : Judge John Hewitt
Mr W Richard Shaw FRICS

**Date and venue of
Hearing** : 24 August 2016
10 Alfred Place, London WC1E 7LR

Date of Decision : 25 August 2016

DECISION

Decisions of the tribunal

1. The tribunal determines that:
 - 1.1 The form of the conveyance shall be in accordance with the draft form TR1 attached to this decision; and
 - 1.2 The appropriate sum for the purposes of section 27(5) of the Act is £110.00.
2. The reasons for our decisions are set out below.

NB Later reference in this Decision to a number in square brackets ([]) is a reference to the page number of the hearing file provided to us for use at the hearing.

Procedural background

3. On 1 December 2006 the respondents were registered at Land Registry as the proprietors of the freehold interest in the property, 76 Overstone Road London W6 0AB [1].
4. The Charges Register records that between 1 December 2006 and 23 March 2007 three leases (Flats A, B & C) were granted out of the freehold title. All three leases were granted for a term of 999 years from 30 October 2006 at a rent, after the first year, of a peppercorn
5. On 4 October 2013 the first applicants were registered at Land Registry as the proprietor of the lease of Flat A [3].
6. On 10 January 2007 Colin Antony McCoy was registered at Land Registry as the proprietor of the lease of Flat B [5].
7. On 10 November 2011 the second applicant was registered at Land Registry as the proprietor of Flat C [8].
8. Evidently the current whereabouts of the respondent joint proprietors of the freehold interest is unknown. On 29 March 2016 the applicants made an application to the County Court at Hammersmith [A] pursuant to section 26 of the Act on the footing that the respondents are 'missing landlords' for the purposes of that section.
9. On 8 June 2016 District Judge Ryan sitting at the County Court at Hammersmith made an order on the application [74-75].

So far as material to this tribunal paragraph 6 of that order provided:

“Transfer to the First-tier Tribunal to determine the terms of acquisition.”

10. Section 27(3) of the Act provides that where a vesting order is made under section 26(1) then upon payment into court of the appropriate

sum there shall be executed by such person as the court may designate a conveyance which is in a form approved by the appropriate tribunal.

Section 27(5) of the Act provides that the appropriate sum for the purposes of subsection (3) is such sum as may be determined by the appropriate tribunal. Subsections (a) and (b) of subsection (5) specify what elements are to comprise and make up the appropriate sum.

This tribunal is the appropriate tribunal for the purposes of section 27 of the Act.

We therefore take it that the court has ordered this tribunal to settle the form of the conveyance and to determine the appropriate sum.

11. Pursuant to directions issued by the tribunal we have been provided with a hearing file.

The terms of the conveyance

12. A draft of the conveyance contended for by the applicant is a form TR1 at [126-129]. That draft is approved by us as drawn save that we have amended box 9 to record that the transferor transfers with 'limited title guarantee' rather than with 'full title guarantee'. We have made this amendment having regard to the provisions of paragraph 2(2)(b) of Schedule 7 to the Act.

Of course the form TR1 will have to be dated in due course and the consideration of £110.00 inserted into box 8.

The appropriate sum

12. We have been provided with a valuation report prepared by Mr Jason Delmar Mellor DipSurvPrac. It is dated July 2016. A copy is at [101 – 125]. The report is in a format which is compliant with rule 19 of this tribunal's rules which concerns expert evidence adduced to the tribunal.
13. We have gone through the report carefully. We have noted Mr Mellor's valuation and his methodology and the reasons for his conclusions. We find he has adopted good valuation practice in his approach. We find we can accept his expert evidence with some confidence. There is little doubt that the vast majority of the freehold value has gone consequent upon the grant of the three leases for terms of 999 years at (now) a rent of a peppercorn.
14. Accordingly we adopt what Mr Mellor sets out in paragraph 7.2 of his report and we determine the appropriate sum to be £110.00.

Judge John Hewitt
25 August 2016