



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

Case Reference	:	LON/00AZ/OAF/2017/0002
Property	:	46 Allerford Road, London SE6 3DE
Applicant	:	Phoenix Community Housing Association (Bellingham and Downham) Limited
Representative	:	Clarke Willmott LLP
Respondent	:	Ms Yetunde Adepeju Johnson
Representative	:	Not Applicable
Type of Application	:	For the determination of the premium payable under Schedule 9(1) of the Leasehold Reform Act 1967
Tribunal Members	:	Judge N Hawkes Mr D Jagger MRICS
Date and venue of Paper Determination	:	28th February 2017 at 10 Alfred Place, London WC1E 7LR
Date of Decision	:	28th February 2017

DECISION

Decision of the Tribunal

The Tribunal determines that the appropriate sum to be paid into Court by the applicant for the purchase of the freehold interest in 46 Allerford Road, Catford, London SE6 3DG, pursuant to Schedule 9(1) of the Leasehold Reform Act 1967, is £40,150.

The application

1. The applicant is the qualifying tenant under a long residential lease of a house at 46 Allerford Road, Catford, London SE6 3DG (“the property”).
2. The applicant became the registered proprietor of the leasehold interest in the property on 8th January 2008. The applicant has never received a rent demand and has not paid any rent since it acquired its interest.
3. The landlord is missing and, on 5th December 2013, the applicant issued a Part 8 Claim in the County Court at Bromley under Claim Number 3BR02282.
4. On 6th November 2014, DJ Wilkinson made an order vesting the freehold interest in the property in the applicant. However, the applicant’s former solicitors failed to file a draft order with the Court and, accordingly, the order was never drawn up and sealed.
5. By a preamble to an order dated 19th December 2016, DJ Brett records that DJ Wilkinson is deceased and left no note on the Court file. However, an attendance note which was made by the applicant’s former solicitors at the hearing of 6th November 2014 was produced to the Court and DJ Brett was satisfied that a vesting order was made on 6th November 2014.
6. DJ Brett ordered that:
 1. *The Claimant is entitled pursuant to the provisions of section 27 of the Leasehold Reform Act 1967 (“the Act”) to have vested in them the freehold of the premises known as 46 Allerford Road, London SE6 3DJ ...*
 2. *The appropriate sum to be paid into Court by the Claimant pursuant to section 27(5) of the Act shall be determined by the First-tier Tribunal.*

3. *Upon the Claimant paying into Court the appropriate sum assessed as required under paragraph 2 above, ... shall be entitled to execute a form of Transfer in the form annexed to vest the said freehold in the Claimant.*
7. On 17th January 2017, the Tribunal issued directions for this matter to be determined by way of a paper determination.
8. The applicant relies upon an expert report dated 24th February 2017 prepared by Mr R Robson BSc MRICS (the applicant no longer relies upon an earlier expert report dated 15th February 2017).
9. Mr Robson describes the property as a three bedroom, semi-detached house constructed circa 1932. The lease is for a term of 99 years from 24th June 1937.
10. Mr Robson has provided colour photographs of the property at Appendix B to his report and colour photographs of the properties which are the subject of the comparable sales evidence are provided at appendix E.
11. In all the circumstances, the Tribunal does not consider it to be necessary or proportionate to carry out an inspection.

The Tribunal's determination

12. The Tribunal has very carefully considered the contents of Mr Robson's report dated 24th February 2017 and is of the opinion that this report is both comprehensive and fair.
13. The Tribunal notes that Mr Robson has extensive experience of providing residential valuations in the South East London Boroughs/North West Kent area.
14. The Tribunal accepts both the reasoning put forward by Mr Robson and his conclusions.
15. For the reasons set out in Mr Robson's report dated 24th February 2017, the Tribunal is satisfied that the appropriate sum to be paid into Court by the applicant for the purchase of the freehold interest in 46 Allerford Road, Catford, London SE6 3DG, pursuant to Schedule 9(1) of the Leasehold Reform Act 1967, is £40,150.
16. This matter should now be returned to the County Court sitting at Bromley in order for the final procedures to take place.

Name: Judge N Hawkes

Date: 28th February 2017

ANNEX - RIGHTS OF APPEAL

1. If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber) then a written application for permission must be made to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application for permission to appeal must arrive at the Regional office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.
3. If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal, and state the result the party making the application is seeking.