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

Case Reference : **NAT/LON/00AE/OCE/2016/0365**

Property : **47 Glengall Road, Willesden,
London NW6 7EL**

Applicant : **Ms Mary Stewart Randall (1)
JMC Voutiras Investments Limited
(2)
Ms Jean Christine Lewis (3)**

Representative : **Streathers Solicitors LLP**

Respondent : **Mr Abdul Waheed**

Representative : **Unrepresented**

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

Tribunal Members : **Mr Jeremy Donegan BSc – Tribunal
Judge
Mr Duncan Jagger FRICS – Valuer
Member**

**Date and venue of
Paper Determination** : **31 January 2017
10 Alfred Place, London WC1E 7LR**

Date of Decision : **31 January 2017**

DECISION

Decisions of the tribunal

- (1) The tribunal determines that the appropriate sum to be paid into Court for the acquisition of the freehold interest in 47 Glengall Road, Willesden, London NW6 4EL ('the Property'), pursuant to section 27(5) of the Leasehold Reform, Housing and Urban Development Act 1993 ('the 1993 Act'), is £96,631 (Ninety-Six Thousand, Six Hundred and Thirty-One Pounds).
- (2) The tribunal approves the conveyance/transfer deed in the form attached and marked 'A', pursuant to section 27(3) of the 1993 Act.

The application

1. On 16 August 2016 the Applicants issued a Part 8 Claim in the County Court at Willesden under claim number CO2WI176, seeking a vesting order for the Property under section 26(1) of the 1993 Act.
2. On 09 December 2016, Deputy District Judge Mendel made a vesting order and on 19 December 2016 the tribunal received an application under section 27 of the 1993 Act.
3. Directions were issued on 21 December 2016. These provided that case would proceed to a paper determination. None of the parties has objected to this or requested an oral hearing. The paper determination took place on 31 December 2017.
4. The Applicants' solicitors supplied the tribunal with a hearing bundle that included copies of the relevant documents from the County Court proceedings, Land Registry searches for the freehold and leasehold titles, a valuation report from Mr Richard Sumner dated 12 January 2017, a sample lease and a draft transfer deed.

The background

5. The Property is a converted three storey mid terraced house comprising three flats, all of which are let on long leases. The Applicants are the leaseholders of the three flats and the Respondent is the registered freehold proprietor of the Property.
6. The Applicants have had no contact with the Respondent and have received no ground rent demands. Their attempts to trace him have been unsuccessful and he has not responded to the tribunal proceedings.

7. In making the vesting order, County Court was satisfied that the Applicants had taken all reasonable steps to locate the Respondent and he could not be located (recital 1).

The issues

8. The tribunal is required to determine the appropriate sum to be paid into Court and to approve the form of conveyance.
9. The tribunal did not consider that an inspection of the Property was necessary, nor would it have been proportionate to the issues in dispute.
10. Having studied the various documents in the Applicants' bundle the tribunal has made the determination set out below.

Sum to be paid into Court

11. In his report, Mr Sumner valued the freehold at £102,631. This was based on extended lease values of £540,000 (Flat 1), £500,000 (Flat 2) and £585,000 (Flat 3), a capitalisation rate of 7.5%, a deferment rate of 5% and a relativity of 90.54%. Mr Sumner used 16 August 2016 as the valuation date, being the date of the County Court application.

The tribunal's decision

12. The price payable for freehold interest in the Property is £102,631 (One Hundred and Two Thousand, Six Hundred and Thirty-One Pounds).
13. The appropriate sum to be paid into Court under section 27(5) of the 1993 Act is £96,631 (Ninety-Six Thousand, Six Hundred and Thirty-One Pounds).

Reasons for the tribunal's decision

14. The relevant date for valuing the freehold is the date of the County Court application, 16 August 2016, pursuant to 26(5)(a) of the 1993 Act. As at that date the leases had 67.12 years unexpired.
15. Having scrutinised the comparables detailed in Mr Sumner's report, the tribunal accepts the extended lease values for the Flats. The tribunal also accepts the capitalisation and deferment rates, which are uncontroversial.
16. Mr Sumner derived the relativity figure by taking a mean average of the graphs for Greater London, excluding those for Austin Gray ('AG') and Andrew Pridell Associates ('APA'). The tribunal accepts it was

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

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.

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.

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.

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.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).

If you need more room than is provided for in a panel, and your software allows, you can expand any panel in the form. Alternatively use continuation sheet CS and attach it to this form.

Leave blank if not yet registered.

Insert address including postcode (if any) or other description of the property, for example 'land adjoining 2 Acacia Avenue'.

Give full name(s).

Complete as appropriate where the transferor is a company.

Give full name(s).

Complete as appropriate where the transferee is a company. Also, for an overseas company, unless an arrangement with Land Registry exists, lodge either a certificate in Form 7 in Schedule 3 to the Land Registration Rules 2003 or a certified copy of the constitution in English or Welsh, or other evidence permitted by rule 183 of the Land Registration Rules 2003.

Each transferee may give up to three addresses for service, one of which must be a postal address whether or not in the UK (including the postcode, if any). The others can be any combination of a postal address, a UK DX box number or an electronic address.

1	Title number(s) of the property: MX463572
2	Property: 47 Glengall Road, Willesden, London, NW6 7EL
3	Date:
4	Transferor: ABDUL WAHEED <u>For UK incorporated companies/LLPs</u> Registered number of company or limited liability partnership including any prefix: <u>For overseas companies</u> (a) Territory of incorporation: Guernsey (b) Registered number in England and Wales including any prefix:
5	Transferee for entry in the register: 47 GLENGALL LIMITED <u>For UK incorporated companies/LLPs</u> Registered number of company or limited liability partnership including any prefix: <u>For overseas companies</u> (a) Territory of incorporation: (b) Registered number in England and Wales including any prefix:
6	Transferee's intended address(es) for service for entry in the register: East House 109 South Worples Way Mortlake London SW14 8TN
7	The transferor transfers the property to the transferee

The transferor must execute this transfer as a deed using the space opposite. If there is more than one transferor, all must execute. Forms of execution are given in Schedule 9 to the Land Registration Rules 2003. If the transfer contains transferee's covenants or declarations or contains an application by the transferee (such as for a restriction), it must also be executed by the transferee.

12 Execution

**SIGNED as a Deed by
REBECCA RINN on behalf of ABDUL WAHEED
acting as a duly authorised officer of the Court in
accordance with the order of the Court dated 9 December
2016:-**

.....

In the presence of:

Signature of witness.....

Name (in BLOCK CAPITALS).....

Address.....

.....

.....

**SIGNED as a Deed by
47 GLENGALL LIMITED
acting by two directors or by one
director and the company secretary**

Director.....

Director/Secretary.....

WARNING

If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

Failure to complete this form with proper care may result in a loss of protection under the Land Registration Act 2002 if, as a result, a mistake is made in the register.

Under section 66 of the Land Registration Act 2002 most documents (including this form) kept by the registrar relating to an application to the registrar or referred to in the register are open to public inspection and copying. If you believe a document contains prejudicial information, you may apply for that part of the document to be made exempt using Form EX1, under rule 136 of the Land Registration Rules 2003.