

4432



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

**Case Reference** : **RC/LON/00AN/OCE/2016/0362**

**Property** : **39 Bronsart Road, Fulham, London  
SW6 6AJ**

**Applicant** : **Mr Malcolm Roberts (1) – First  
Floor Flat  
Mr James Douglas Everett (2) –  
Ground Floor Flat**

**Representative** : **EDC Lord & Co Solicitors**

**Respondent** : **Mr Keith Howard Chapman**

**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** : **08 February 2017  
10 Alfred Place, London WC1E 7LR**

**Date of Decision** : **08 February 2017**

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**DECISION**

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### **Decisions of the tribunal**

- (A) The tribunal determines that the appropriate sum to be paid into Court for the acquisition of the freehold interest in 39 Bronsart Road, Fulham, London W6 6AL ('the Property'), pursuant to section 27(5) of the Leasehold Reform, Housing and Urban Development Act 1993 ('the 1993 Act'), is £33,806 (Thirty-Three Thousand, Eight Hundred and Six Pounds).
  
- (B) 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 05 December 2016 the Applicants issued a Part 8 Claim in the County Court at Wandsworth under claim number CO1WT791, seeking a vesting order for the Property under section 26(1) of the 1993 Act.
  
2. On 09 December 2016, District Judge Parker made an order transferring the proceedings to this tribunal. The order is not expressed to be a vesting order but the tribunal assumes this was the District Judge's intention.
  
3. Directions were issued by this tribunal on 20 December 2016. These provided the 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 08 February 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, the leases, a valuation report from Mr Graham Randall dated 18 January 2017 and a table dealing with any additional sums that might be payable to the Respondent.

### **The background**

5. The Property is a converted mid terraced house comprising two flats, both of which are let on long leases. The Applicants are the leaseholders of these flats and the Respondent is the registered freehold proprietor of the Property.
  
6. The First Applicant purchased his flat from the Respondent in March 1988 but has no contact with him since that time. The last ground rent demand for his flat was in 1991. The Second Respondent has had no recent contact with the Respondent and extended his lease under the

graphs would give a relativity of 90.97%. The tribunal is not convinced that the NC and SEL graphs should be excluded. There is an argument for saying that it would be more appropriate to omit the Austin Gray graph, as this was based on data in the Sussex area (rather than London). This would marginally reduce the relativity to 90.86%, which would only have a negligible impact on the value of the freehold. Given this fact, the tribunal is willing to accept Mr Randall's figure of 91.06%.

16. There was no evidence to suggest that ground rent or any other amounts are due to the Respondent. In the absence of such evidence, the tribunal determines that no additional sums are payable under section 27(5)(b) of the 1993 Act.

#### **Form of conveyance**

17. The tribunal approves the draft transfer deed included in the hearing bundle, a copy of which is attached and marked 'A'.

#### **Reasons for the tribunal's decision**

18. The tribunal has scrutinised the draft transfer deed and is satisfied that it complies with the requirements of section 34 and schedule 7 of the 1993 Act.

**Name:** Tribunal Judge Donegan    **Date:** 08 February 2017

## 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).