

46018



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

**Case Reference** : LON/00BH/OCE/2017/0154

**Property** : 135 Fortune Gate Road, London  
NW10 9RH

**Applicant** : Mr John Flanders

**Representative** :

**Respondent** : Colum Wallace (missing landlord)

**Representative** :

**Type of Application** : Determination of terms of  
collective enfranchisement  
(missing landlord)

**Tribunal Members** : Tribunal Judge Prof R Percival  
Mr R Shaw FRICS

**Date and venue of  
Hearing** : 19 March 2018  
10 Alfred Place, London WC1E 7LR

**Date of Decision** : 19 March 2018

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**DECISION**

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## **Decisions of the Tribunal**

1. The premium is £46,255.
2. The draft form TR1 is approved subject to the amendment specified in paragraph 15.

## **Introduction**

3. The applicant applied in the County Court for a vesting order under Leasehold Reform, Housing and Urban Development Act 1993 in relation to 135 Fortune Gates, London NW10 9RH ("the property") under claim number D00WI66. The property is registered at HM Land Registry under title number MX329422.
4. The property is divided into two flats. The applicant holds the leasehold interest in both flats, one acquired in 2006 and the other in 2013.
5. On 29 November 2017, Deputy District Judge Arnold sitting at the County Court at Willesden ordered that the freehold interest vest in the applicant on such terms as the Tribunal may determine in accordance with Leasehold Reform, Housing and Urban Development Act 1993, section 27(1)(b).

## **Determination**

6. The applicant has provided a valuation report by Barry Kyte MRICS, on behalf of Hadley Kyte and Company, dated 2 March 2018. The report indicates that the property is a late Victorian, mid-terrace, brick built, two storey house under a slate pitched roof comprising two separate self-contained flats. Each flat has reasonable ceiling heights and good natural daylight, although the ground floor flat has somewhat higher ceiling heights and a 33-foot rear garden. There is a shallow front forecourt garden which does not have potential for off-street parking.
7. Both flats are held on identical 99 year leases expiring 23 June 2085 with each subject to a current ground rent of £50 for the first 33 years, £100 for the next 33 years and £200 for the final 33 years of the term.
8. The flats have been improved and modernised by the installation of modern fully fitted kitchens, modern complete bathroom suites and modern full gas central heating systems with combination boilers.
9. A schedule of recent sale comparables for both ground floor and first floor flats in the immediate vicinity adjusted for indexation using HM Land Registry data was attached with the valuation report.

## Appendix 1

### 1) Loss of Freeholder's Interest

Capitalisation of Ground Rent		
As stated	£3,109	
Freeholders Loss of Reversion		
As stated	£23,432	
Loss in value of Freeholder's Present Interest		£26,540

### 2) Marriage Value

Value of Proposed Interest (F/H)	£659,700	
Less Value of Existing Interests		
Freeholder	£26,540	
Leaseholder	£593,730	
	£620,270	
Marriage Value	£39,430	
50%		£19,715
	Premium	£46,255