



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

Case reference : **LON/00BF/OAF/2019/0022**

Property : **46 Clifton Road, Wallington, Surrey
SM6 8AN**

Applicant : **Ms M Binks**

Representative :

Respondent : **Person(s) Unknown**

Representative :

Type of application : **Section 21 of the Leasehold Reform Act
1967**

Tribunal members : **Judge S Brilliant
Mr N Martindale FRICS**

**Date of
determination and
venue** : **22 October 2019 at
10 Alfred Place, London WC1E 7LR**

Date of decision : **23 October 2019**

DECISION

Summary of the tribunal's decision

- (1) The appropriate premium payable for the enfranchisement is £300.00.

Background

1. This is an application made by the applicant lessee pursuant to sections 21(1)(a) and 27(5)(a) 24 of the Leasehold Reform Act 1967 ("the Act") for a determination of the premium to be paid for the enfranchisement of 46 Clifton Road, Wallington, Surrey SM6 8AN (the "property"). By a

direction dated 5 September 2019 it was directed that the determination would be on the papers unless either the applicant requested otherwise or the tribunal determined otherwise. Neither the applicant nor the tribunal considered an oral hearing was necessary.

2. The applicant is the registered proprietor at Land Registry of the long leasehold interest in the property under title number SY18820. The applicant holds the property under a long lease dated 03 October 1867 for a term of 300 years from 24 June 1853 (“the lease”). The ground rent is a peppercorn.
3. The current freehold owner of the reversion to the lease is unknown.
4. By a Part 8 claim form dated 20 February 2019 in claim no FooCR332 in the County Court at Croydon the applicant applied for an order under section 27 of the Act determining the amount of premium to be paid.
5. By an order dated 28 June 2019 District J Bishop ordered that the freehold of the property shall vest in the applicant on such terms as may be determined by the tribunal. He also ordered that the order should not take effect until the applicant paid into court the aggregate of (a) the amount determined by the tribunal to be the premium payable and (b) the amount or estimated amount due at the time of the execution of the lease due to the respondent from the applicant.
6. It was also ordered that upon payment into court of the appropriate sum there would be executed by the applicant’s solicitor the transfer in a form approved by the tribunal.
7. We have seen an expert’s report of Mr JF Dean MRICS dated 25 September 2019. He values the property at £380,000. He then uses two models to calculate the price payable. The first method is reversion to modern ground rent and house value. This comes to £319.00. The second method is reversion to site value. This comes to £274.00. His conclusion is that a fair figure is £300.00. We agree with his approach and the figure he has arrived at.
8. The transfer shall be in the form of the draft TP1 sent to the tribunal.

Name: Judge S Brilliant

Date: 23 October 2019

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).

