

3013



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

Case Reference : LON/00BB/OLR/2015/0015

Property : 68B Stratford Road, London E13
oJW

Applicant : Mrs Ingrid Katherine Walsh

Representative : Veale Wasbrough Vizards LLP and
Mr D S Conway BSc(Hons) MRICS
of Conways chartered surveyors

Respondent : Clinton Peter Jordan

Representative : None (missing landlord)

Type of Application : S50 Leasehold Reform, Housing
and Urban Development Act 1993
(the Act)

Tribunal Members : Tribunal Judge Dutton
Miss M Krisko BSc (Est Man)
FRICS

**Date and venue of
Determination** : 25th February 2015 at 10 Alfred
Place, London WC1E 7LR

Date of Decision : 25th February 2015

DECISION

The tribunal determines that the price payable for the new lease of 68 Stratford Road, London E13 0JW (the Property) shall be £8,679 as set out on the attached schedule.

The terms of the draft deed of surrender and re-grant are acceptable.

REASONS

BACKGROUND

1. By an order made by District Judge Pigram dated 9th December 2014 in the County Court at Bow in claim number AO3Bo098 (“the Order”) between the parties named on the front page of this decision the matter was remitted to this Tribunal for the price and terms of the new lease to be determined pursuant to section 51(3) and (5) of the Leasehold Reform, Housing and Urban Development Act 1993 (“the Act”).
2. We met on 25th February 2015 for the purposes of implementing the requirements of the Act.
3. We had before us a bundle prepared by the Applicant’s solicitors which contained the Court papers, including the Order, various witness statements with a number of exhibits, copies of the freehold and leasehold registers of title and the present lease. In addition we were provided with a copy of the report of Mr D.S. Conway BSc (Hons) MRICS of Conways dated 30th January 2015 and the proposed draft deed of surrender and re-grant.
4. We have considered the papers before us and in particular the report of Mr Conway. The report is, to say the least succinct, and we had to consider the valuation schedule attached to glean the rates applied for the capitalisation of the ground rent and deferment together with the relatively he wished to apply in this case. He put forward a schedule of 4 properties to be used as comparables, the details of which we noted. He concluded that the premium payable was £8,550
5. We set out our comments on these submissions in the findings section below

FINDINGS.

6. In essence we are prepared to accept the values put forward by Mr Henson. We have no quibble with the capitalisation and deferment rates. These seem appropriate given the reserved ground rent and the provisions of Sportelli as to deferment rates. As to relativity, he has relied on graph evidence which supports the percentage he has used in the valuation schedule. The comparable evidence was reasonable utilising, as it did, properties near to the Property, both in location and time. The comparable of Flat A, 71 Stratford Road was not so useful as it included a study room.
7. The valuation date Mr Conway used is incorrect. It should be 22nd September 2014, the date the proceedings were issued in the Court. This has repercussions on the final figure payable as a premium. The

remaining term is 73.25 years, not 72.9. This affects the calculation of the capitalised ground rent, which in turn impacts on other elements of the valuation. In addition there is an error in the multiplier applied to the £75 per year term. We consider it is easier to re-write the valuation schedule, which is attached. This shows a premium payable of £8,679, which we determine is the sum payable into Court.

8. The terms of the deed of surrender and re-grant are acceptable.

Andrew Dutton
Tribunal Judge

25th February 2015

Flat B, 68 Stratford Road, London E13 Tribunal corrected valuation.

Valuation Date: 22nd September 2014.

Term: 73.25 years.

All remaining values as per original valuation.

Term.

£50pa 7.25 years 7% 5.535 £277

£75pa 33 years 7% def 7.25 years 7% 7.813 £586

£100pa 33 years 7% def 40.25 years 7% 0.8378 £ 84

Reversion.

£200,000 def 73.25 years 5% 0.02805 £5610

Landlords interest £6557

Marriage Value.

Extended lease value £198,000

less existing lease value £187,200

less landlords interest £ 6,557 £4243

50% £2122

Premium £8679