

FIRST-TIER TRIBUNAL PROPERTY CHAMBER (RESIDENTIAL PROPERTY)

Case reference

: TW/LON/OOAE/OCE/2016/0111

**Ground Floor and First Floor Flats** 

**Property** 

at 34 Rucklidge Avenue, London

**NW10 4PS** 

:

:

**Applicants** 

**Hugh Francis Lennon** 

Representative

Tolhurst Fisher LLP

Respondent

**David Baird** 

Representative

Not applicable (missing landlord)

Application under sections 26 and

Type of application

27 of the Leasehold Reform

**Housing and Urban Development** 

Act 1993

**Tribunal members** 

Ian B Holdsworth MSc FRICS

Venue

10 Alfred Place, London WC1E 7LR

Date of paper determination

**June 6<sup>th</sup> 2016** 

## **DECISION**

## **Decisions of the Tribunal**

- (1) The Tribunal determines that the price to be paid by the applicant for the freehold interest is £34,900.
- (2) The terms of the draft transfer are provided for in **paragraph 11** below

## **The Background**

- 1. This application under section 26 of the Leasehold Reform Housing and Urban Development Act 1993 ("the 1993 Act") pursuant to an order made by Deputy District Judge Mendel, sitting at the County Court at Willesden on 24<sup>th</sup> March 2016.
- 2. Section 26(1) of the 1993 Act concerns claims for collective enfranchisement where the relevant landlord cannot be found. It enables the court to make a vesting order in respect of any interests of the landlord which are liable to acquisition.
- 3. Under section 27 of the 1993 Act, the role of the Tribunal is to determine the appropriate sum to be paid into court in respect of the landlord's interests and also to approve the form and terms of the proposed transfer.
- 4. The applicant in this matter is Hugh Francis Lennon. He is the qualifying tenant of two flats, namely, Ground Floor and First Floor at 34 Rucklidge Avenue, London NW10 4PS ("the Property"). The respondent freeholder is David Baird.
- 5. On 29<sup>th</sup> December 2015, the applicant issued a Part 8 Claim at the County Court at Willesden for an order pursuant to section 26(1) of the 1993 Act vesting the freehold interest in the Property in the applicant. The applicant has been unable to ascertain the whereabouts of the respondent and was therefore unable to serve a notice on him pursuant to section 13 of the 1993 Act.
- 6. The applicant has provided the Tribunal with a valuation report prepared by Mike Stapleton FRICS dated 29<sup>th</sup> April 2016. This provides a valuation as at 29<sup>th</sup> December 2015.
- 7. Mr Stapleton is of the view that the premium to be paid for the freehold interest is £33,300.
- 8. The Tribunal reviewed the enfranchisement valuation provided by Mr Stapleton together with the supporting evidence.

## **The Determination**

- 9. The Tribunal accepts the opinions expressed by Mr Stapleton in his valuation report dated 29 the April 2016 save that:
  - (i) In respect of the ground floor flat 34 Rucklidge Avenue, having regard to those comparables provided; to the condition of the property; the inclusion of a garden at the rear within the property and to the fact that the landlord is absent, the Tribunal determines that the value of the long leasehold value is £280,000.
  - (ii) For the First floor flat 34 Rucklidge Avenue, again having regard to the transaction evidence provided; to the condition of the property and to the fact that the landlord is absent, the Tribunal determines that the value of the long leasehold value is £265,000.
  - (iii) The total reversionary lease value on statutory terms is £545,000.
  - (iv) Current leasehold vacant possession value of both flats is £501,400.
  - (v) It is the opinion of the Tribunal based on their experience and knowledge that the appurtenant property has a value of £500.
- 10. Accordingly, the Tribunal determines that the premium to be paid in respect of the collective enfranchisement of 34 Rucklidge Avenue, London NW10 4PS is £34,900. The valuation prepared by the Tribunal is appended to this determination.

- 11. The Tribunal also approves the draft transfer which has been submitted by the applicant, subject to the inclusion in box 8 (the premium of £34,900) has been paid into court.
- 12. This matter should now be returned to the County Court sitting at Willesden under Claim Number Bo3W1474 in order for the final procedures to take place.

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Valuer Chairman Ian B Holdsworth

6th June 2016

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