

307

Reference BIR/00CN/OC6/2004/0100
BIR/00CN/OAF/2004/0133

**LEASEHOLD VALUATION TRIBUNAL OF THE
MIDLAND RENT ASSESSMENT PANEL**

**In the matter of an application for a determination of the price payable under
Section 21(1) Leasehold Reform Act 1967 and of the Landlords reasonable costs in
respect of the tenant's acquisition of the freehold under Section 21(1)(BA)
Leasehold Reform Act 1967**

Name of Property: 45 Aubrey Road
Smallheath
Birmingham, B10 9DQ

Name of Freeholder: Mr N Hanif

Name of Leaseholder: Mrs Anna Solek

Date of Notice: 18 January 2003

**Members of Rent Assessment
Committee:** Miss N Jackson (Chair)
Mr V Chadha
Mrs A Bartram

Date of Tribunal Hearing: 25 October 2004

Date of Determination: **21 JAN 2005**

1. Background

1.1 By notice dated 18 January 2003, the Leaseholder applied for determination by the Leasehold Valuation Tribunal of the price to be paid in relation to the acquisition of the freehold of the subject property. The leaseholder also applied for determination of the Landlord's reasonable costs in respect of the tenant's acquisition of the freehold under Section 21(1)(BA) Leasehold Reform Act 1967.

2. Hearing

2.1 A hearing was arranged at the panel office in Birmingham on 25 October 2004 at which the freeholder was not present or represented. The leaseholder was not present but was represented by Mr A Shepherd, FRICS.

3. Submissions

3.1 By letter dated 22 October 2004, from Mr H R Barber, FRICS, he advised that he had been instructed by Messrs James Pearce & Co, Solicitors for the freeholder to act for them in the settlement of the enfranchisement price in respect of the subject property. In that letter, he stated that he had concluded negotiations with Mr Shepherd, the leaseholder's representative and had agreed a price of £32,500. He



requested the Tribunal to determine that figure for the purposes of Section 21(1)(A) of the Leasehold Reform Act 1967.

3.2 Mr Shepherd, the leaseholder's representative, confirmed that negotiations had been concluded and that the price of £32,500 had been settled as the enfranchisement price.

3.3 On questioning by the Tribunal, Mr Shepherd advised that he was not aware of what arrangements, if any, had been made in relation to the application for the determination of the Landlord's reasonable costs.

4. Tribunals Determination

4.1 Section 21(1) of the Leasehold Reform Act 1967 states:-

"the following matters shall, in default of agreement be determined by a leasehold valuation tribunal namely, -

a)"

4.2 The parties have come to an agreement as detailed above and accordingly the Tribunal determines that it has no jurisdiction to consider the application as to the price payable.

4.3 As no information was available from either party as to the application regarding the determination of the Landlord's reasonable costs, and in the absence of any written representations from either party and the non attendance of the freeholder or his representative at the hearing, the Tribunal determines that the application remain on the file with either party being at liberty to request a further hearing date if the matter cannot be concluded between the parties.

N Jackson
Chair

21 JAN 2005

