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LON/00BJ/OCE/2007/0092  
**LEASEHOLD VALUATION TRIBUNAL FOR THE LONDON RENT  
ASSESSMENT PANEL**

**APPLICATION UNDER SECTIONS 26 and 27 THE LEASEHOLD REFORM  
HOUSING AND URBAN DEVELOPMENT ACT 1993**

**Applicants: Tracey Jane Austin, James Nicholas John Gordon,  
Fergus John Low, Linda Susan Marshall**

**Respondent: Sanford Rapp**

**Premises: 97 Bollingbroke Grove, London SW11 1DB**

**Hearing date: 18 April 2007**

**Applicants Representatives: Russell-Cooke Solicitors**

**Members of the Leasehold Valuation Tribunal:**

**Mr S E Carrott, LLB  
Mr L Jarero, BSc, FRICS**

**Date of Decision: 30 May 2007**

1. **Background**

The Applicant lessees in this matter are Tracey Jane Austin, James Nicholas John Gordon, Fergus John Low and Linda Susan Marshall. The Respondent is Mr Sanford Rapp.

2. On 5 January 2007 the Applicant lessees issued a Part 8 Claim in the Wandsworth County Court for an order pursuant to section 26(1) of the Leasehold Reform, Housing and Urban Development Act 1993, vesting the freehold of the subject property 97 Bolingbroke Road, London SW11 in the Applicants. They had been unable to ascertain the whereabouts of the Respondent who is the freehold owner and therefore were not able to serve a notice pursuant to section 13 of the 1993 Act.
3. On 21 February 2007 District Judge Tilbury made an order vesting the freehold in the Applicants and transferring the matter to the Leasehold Valuation Tribunal to determine the "appropriate sum" to be paid into Court as the price of the enfranchisement; and second to approve the form and terms of the transfer of the freehold interest to the Applicants.
4. In support of the application the Applicants relied upon the valuation report of Mr R J E Steed BSc FRICS ACI Arb of Cooke Steed Associates Chartered Surveyors. Mr Steed calculated the premium to be paid as being £57,000. In so doing he relied upon an unexpired term of 77 years.
5. In addition to the valuation received on behalf of the Applicants, the Applicants' Solicitors also made representations to the effect that service charges and ground rent had not been demanded for approximately 15 years and that no services had in fact been carried out during this period of time. They further stated that no notices under section 166 of the Commonhold and Leasehold Reform Act nor notices under section 47 or 48 of the Landlord and Tenant Act 1987 had been received.

6. **Determination**

Whilst the Tribunal agreed in the main with the report of Mr Steed it nevertheless had some concerns with the lack of clarity with comparables that were put forward. It was unclear whether these were actual sales or negotiations. However the Tribunal was satisfied that the approach adopted by Mr Steed in his valuation was clearly in line with a number of Leasehold Tribunal decisions and therefore no adjustment was required on that account.

7. However a minor adjustment was required to the valuation on account of the rounding down of unexpired term to 77 years. The appropriate period was 77.37 years which resulted in a premium of £57,200 as opposed to the £57,000 calculated by Mr Steed.

8. A copy of the Tribunal's valuation is attached to this decision.

9. There were no further sums to be added to the premium. The Tribunal accepted that there had been no compliance with sections 47 and 48 of the Landlord and Tenant Act 1987 or section 166 of the Commonhold and Leasehold Reform Act 2002 and therefore neither services charges or ground rent was due to the Respondent missing landlord.

10. As to the form and terms of the transfer, a draft TR1 was submitted to the Tribunal for approval with the papers. The Tribunal approved this draft subject to one minor amendment, namely that it should be stated that the consideration (the premium of £57,200) has been paid into Court (box 9 - see section 27(3) of the 1993 Act).

11. **Decision**

Accordingly the Tribunal determines as follows -

- (1) The premium to be paid in respect of the collective enfranchisement of 97 Bolingbroke Road, London SW11 is £57,200

; and

- (2) The terms of the transfer are approved subject to the inclusion in box 9 that that the consideration (the premium of £57,200) has been paid into Court.

Chairman:

A handwritten signature in black ink, appearing to read 'S. E. Carnott', with a long horizontal stroke extending to the right.

Date: 30 May 2007

**Leasehold Valuation Tribunal**

Ref: LON/OOBJ/2007/92

**Valuation of 97 Bolingbroke Grove SW11 1DB**

Valuation Date 5 January 2007

99 year lease from 24 June 1985

Length of lease remaining 77.47yrs

Freehold value of Flat 1 (lower ground floor)	£400,000	
Freehold value of Flat 2 (upper ground floor)	£380,000	
Freehold value of Flat 3 (first floor)	£370,000	
Freehold value of Flat 4 (second floor)	£330,000	
Freehold value of property		£1,480,000
Relativity	95%	
Existing lease values		£1,406,000
Capitalisation rate	7%	
Deferment rate	5%	

**Value of freeholder's present interest**

Ground rent receivable	£300		
YP 11.47 yrs @ 7%	7.7111	£2,313	
Reversion to revised ground rent	£600		
YP 33yrs @ 7%	12.7538		
PV of £1 @ 7% in 11.47 yrs	0.4602	£3,522	
Reversion to revised ground rent	£1,200		
YP 33yrs @ 7%	12.7538		
PV of £1 @ 7% in 44.47 yrs	0.04935	£755	£6,590
Reversion to full market value	£1,480,000		
PV of £1 @ 5% in 77.47 yrs	0.02283		£33,788
			£40,378

**Value of tenant's present interest** £1,406,000

**Freeholders Interest after enfranchisement** £0

**Calculation of marriage value**

**Value of property after enfranchisement**

Freeholder's interest £0  
 Tenant's interest £1,480,000

**Value of existing interests**

Freeholder's interest from above £40,378  
 Tenant's interest £1,406,000  
 Marriage value £33,622  
 Share of marriage value to be divided equally  
 between freeholder and tenant

	£16,811
	£57,189
Say	£57,200

**Total premium payable** **£57,200**