

2862



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

Case Reference : **LON/00BC/OCE/2013/0152**

Property : **201 & 201A St Barnabus Road,
Woodford Green, Essex IG8 7DG**

Applicant : **(1) Ann Elizabeth Green
(2) Jeffrey Paul Green
(3) Jaqueline King**

Representative : **Cavendish Legal Group**

Respondent : **John Mark Bennett**

Representative : **None**

Type of Application : **Application under sections 26 and
27 of the Leasehold Reform
Housing and Urban Development
Act 1993**

Tribunal Members : **Ms Naomi Hawkes
Mr Neil Martindale FRICS**

**Date and venue of
Paper Determination** : **16.9.13
10 Alfred Place, London WC1E 7LR**

DECISION

The Decision

1.1 The price to be paid by the Applicants for the freehold interest is £20,071.

1.2 The terms of the draft transfer are as provided for in paragraph 11 below.

Background

1. This is an application pursuant to a vesting order made by DDJ MacKenzie at the Bow County Court on 10.7.13 under section 26 of the Leasehold Reform Housing and Urban Development Act 1993 ("the 1993 Act").
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 Applicants in this matter are Ann Elizabeth Green, Jeffrey Paul Green and Jaqueline King. They were the qualifying tenants of two flats at 201 and 201a St Barnabus Road, Woodford Green, Essex IG8 7DJ ("the Property") and virtue of the order of DDJ MacKenzie made on 10.7.13 they became the nominee purchasers of the freehold interest in Property for the purposes of the 1993 Act. The Respondent freehold owner is John Mark Bennett.
5. On 5.4.13, the Applicants issued a Part 8 Claim in the Bow County Court for an order pursuant to section 26(1) of the 1993 Act vesting the freehold interest in the Property in the Applicants. The Applicants have been unable to ascertain the whereabouts of the Respondent and they were therefore unable to serve a notice on him pursuant to section 13 of the 1993 Act.
6. On 10.7.13, DDJ MacKenzie made the order referred to above which vests the freehold interest in the Property in the Applicants subject to the determination by the Tribunal of (a) the terms and form of the transfer and (b) the premium payable under schedule 6 of the 1993 Act and any other sums payable by virtue of section 32 of the 1993 Act.
7. In support of the application, the Applicants rely upon the valuation report of Mr Richard Murphy MRICS dated 23.8.13. Mr Murphy

calculated the premium to be paid as being £17,200. The Tribunal was also provided with a copy of the draft TR1 for approval.

The Determination

8. The Tribunal accepts the opinions expressed by Mr Richard Murphy MRICS in his valuation report dated 28.8.13, save that:
 - a. Whilst the Tribunal has taken into account all of the comparables which have been provided, it finds that the comparables are not of equal weight. The Tribunal finds that 28 Lyndhurst Court, 5 The Firs, and 15 Hamet Court are the most relevant comparables, particularly in terms of size, and finds that the appropriate price per square foot is £340.
 - b. The Tribunal finds that it is not necessary to take separate account of the reversion of 159 years.
 - c. The Tribunal finds that it is not necessary to make a distinction between a share of the freehold and an extended lease.
9. The adjusted calculation has resulted in a premium of £20,071. A copy of the Tribunal's valuation is attached to this decision.
10. Accordingly, the Tribunal determines that the premium to be paid in respect of the collective enfranchisement of 201 & 201A St Barnabus Road, Woodford Green, Essex IG8 7DG is £20,071.
11. The Tribunal also approves the draft transfer which has been submitted by the Applicants, subject to:
 - a. The inclusion in box 9 that the consideration (the premium of £20,071) has been paid into court.
 - b. In box 11 it should be recorded that "this transfer is executed for the purposes of Chapter 1 Part 1 of the Leasehold Reform Housing and Urban Development Act 1993".
12. This matter should now be returned to the Bow County Court under Claim No.3BOO1089 in order for the final procedures to take place.

Naomi Hawkes

16.9.13