



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

Case reference : LON/00AE/OCE/2021/0004
HMCTS code: : P: PAPERREMOTE
Property : 26 & 26a Gowan road, London NW10
2SH
Applicant : Mrs Phebean Aderinola Oshunniyi
Representative : JWM Solicitors
Respondent : Mr Mohammed Musad
Representative : N/A
Type of application : Enfranchisement – missing landlord
Tribunal members : Judge Tagliavini
Miss M Krisko FRICS
**Venue & date
of hearing** : 10 Alfred Place, London WC1E 7LR
P: PAPERREMOTE
24 March 2021
Date of decision : 24 March 2021

DECISION

Covid-19 pandemic: description of hearing

This has been a remote video hearing which has been consented to by the parties. The form of remote hearing was **P: PAPERREMOTE** . A face-to-face hearing was not held because it was not practicable and all issues could be determined in a remote hearing. The tribunal was referred to the applicant's bundle of documents numbered 1 to 157. The order made is described at the end of these reasons.

Summary of decisions of the first-tier residential property tribunal

- (1) The tribunal determines that the premium payable by the applicant for the enfranchisement of the subject property situated at 26 & 26a Gowan road, London NW10 2SH is £61,577.**
- (2) The tribunal approves the terms of transfer in the form of the TR1 relied upon by the applicant at pages 141 o 144 of the applicant's bundle of documents.**

The application

1. This application made under the provisions of section 13 of the Leasehold Reform, Housing and Urban Development Act 1993 ('the 1993 Act') for the determination of the premium payable and the terms of transfer in respect of the collective enfranchisement of the subject property situate at 26 & 26a Gowan Road, London NW10 2SH ('the Building'). The application has been made by way of a transfer from the county court at Willesden pursuant to a vesting order of District Judge Orger dated 28 September 2020 which stated;

The matter shall be remitted to the Tribunal for the determination of the appropriate term on which the freehold interest of the Building is to be transferred to the person or persons appointed for such purpose by the Claimant..."

Background

2. The applicant is the register proprietor of the leasehold interests of Flats 26 and 26A which comprise the subject Building. The respondent is the registered freehold proprietor of the Building. The factual background and the attempts to locate the respondent landlord were detailed in the Witness Statement of Stephen Charles Reynolds of JWM Solicitors dated 25 February 2020, which was provided to the county court for the purposes of applying for the vesting order which was subsequently granted on 28 September 2020.

The applicant's case

3. In compliance with the tribunal's directions dated 12 January 2020 the applicant's representative provided an Information Table. This Table contained the details of the two leases of the flats comprising the subject Building and details of the company, (Divine Glory 2020 Limited) which the applicant seeks to have acquire the freehold of the Building.
4. In support of the application to the tribunal for a determination of the premium payable the applicant relied upon the valuation report of Terence L. Hughes FRICS of Tillett, Burns & Hughes Chartered Surveyors and dated 16 February 2021. In his report, Mr Hughes detailed his qualification as a Chartered Surveyor in 1969 and longstanding experience of dealing with valuations concerning residential and commercial land, buildings and statutory valuations. Mr Hughes also recognised his duty to the tribunal and signed the report with a Statement of Compliance.
5. Mr Hughes described the subject building as a two story, mid-terrace house with two storey front bay and was thought to have been constructed in the late Victorian period circa 1890. Since its construction as a single family home the Building had been converted into two self-contained flats on the ground floor (Flat 26A) and the first floor (Flat 26). The flats were found to be in a tired and date condition and in need of modernisation.

The respondent's case

6. No objections or correspondence was received by the tribunal from the respondent.

The tribunal's decision and reasons

7. The tribunal accepts the valuation report of Mr Hughes although found that he has done some 'rounding up' although not so significantly as to diverge from them or any reason not to approve them. The tribunal accepts the valuation date relied upon by Mr Hughes as is 28/02/20 being the date of issue of the applicant's claim in the county court.
8. The tribunal considered Mr Hughes use of the figures of 6.5% (capitalisation rate) and 5% (deferment rate) are appropriate. The tribunal also accepts Mr Hughes' use of the local land registry index for time adjustment as being reasonable and appropriate.

9. The tribunal noted that Mr Hughes had used the RICS graphs for relativity but reduced this slightly to reflect more recent changes as he had decided not to rely on the central London graphs which although, now more commonly used, reflect central London values. The tribunal accepted Mr Hughes non reliance on Central London values in the absence of any objections from the respondent, as it did not unfairly influence the premium payable.
10. The tribunal accepted Mr Hughes' use of 6 comparables all in the local postcode and of flats similar to those in the subject Building. Although the comparable used of a flat in Harlesden Road one is a bit larger at 79 sqm than the subject flats and even if this were excluded the average value is still £6475/sqm as opposed to Mr Hughes average value of £6525 sqm.
11. In conclusion the tribunal accepts the valuation report of Mr Hughes and finds that the total premium payable by the applicant is £61,577 as set out at pages 13 and 14 of his valuation report.
12. The tribunal approves the terms of the acquisition as set out in the form TRI relied upon by the applicant at pages 141 to 144 of the applicant's bundle.
13. The tribunal now remits the application back to the county court at Willesden for any final orders that may be required.

Name: Judge Tagliavini

Date: 24 March 2021

Rights of appeal from the decision of the tribunal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.

The application for permission to appeal must arrive at the regional office within 28 days after the tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28-day time limit, such application must include a request for an extension of time and the reason for not complying with the 28-day time limit; the tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).