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PROPERTY CHAMBER (RESIDENTIAL PROPERTY)

Case reference	LON/OOAE/OLR/2016/1600
Property	92B Chaplin Road, London NW2 5PR
Applicants	Ms H. Morris-Grove and Mr S. Hodgson (joint leaseholders)
Representatives	Comptons Solicitors LLP
Respondent	Mr S. Ige (landlord)
Type of application	An application made under section 49(1) of the Leasehold Reform, Housing and Urban Development Act 1993 for a determination of the terms of a new lease to be granted under the Act.
Tribunal member	Judge James Driscoll
Venue	The Tribunal considered the appli- cation on the basis of the papers filed
Date of decision	6 December, 2016

DECISION

DECISION

The terms of the draft lease prepared by those representing the claimant leaseholders are approved.

THE APPLICATION

1. This is an application for a determination of the terms of a new lease. It is made by the leaseholders who in a notice dated 18 December 2015 claimed a new lease from the landlord under the Act.
2. The landlord failed to give a counter-notice to the claim. Accordingly the claimants applied to the Willesden County Court for an order authorising the grant of a new lease on the terms proposed in the claim notice.
3. On 5 August 2016 the Court ordered that, in accordance with section 49(1) of the Act, a new lease should be granted for the premium proposed by the claimants (less than their assessed costs). The terms of the new lease were to be determined by an application to this Tribunal. After making the application, those advising the claimant leaseholders sent a bundle of documents to the Tribunal.
4. The Tribunal wrote to the landlord on 24 October 2016 enclosing a copy of the documents and inviting the landlord to make a short statement in relation to the application within 14 days of the date of the letter. No such statement has been received.
5. I considered the application on 6 December 2016. Under section 56 of the Act the landlord is to grant a new lease on payment of a premium in substitution for the existing lease at a peppercorn rent for a term expiring 90 years after the term date of the existing lease.
6. I considered the draft lease and I noted that the claim notice correctly referred to the terms of the new lease to be granted under section 56 of the Act.
7. The terms of the new lease proposed by the claimants are approved by this Tribunal.
8. Accordingly those advising the claimants may now apply to the Court to complete the grant of the new lease in accordance with the terms of clause 3 of the Court order made on 5 August 2016.

Appeals

9. In accordance with the First-tier Tribunal (Property Chamber) Rules 2013 the landlord may seek permission to appeal this decision to the Upper Tribunal.

JAMES DRISCOLL

6 DECEMBER, 2016

