



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

Case Reference : **LON/00BB/2022/0013
P:PAPERREMOTE**

Property : **79C Charlemont Road London E6
6HD**

Applicants : **Sophie Rosemary Glynn-Nutt**

Representative : **Quastels LLP**

Respondent : **Ram Patel**

Representative : **None**

Type of Application : **Missing landlord
S27(1) Leasehold Reform Act 1967**

Tribunal Members : **Evelyn Flint FRICS
Mark Taylor MRICS**

**Date and venue of
Hearing** : **1 November 2022
Remote hearing on the papers**

Date of Decision : **1 November 2022**

DECISION

This has been a remote 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 documents that the Tribunal were referred to are in a bundle of 259 pages, the contents of which have been noted. The order made is described below.

Decision

1. The premium payable is £2,470. The case is remitted to the County Court at Clerkenwell and Shoreditch to give effect to the transfer of the freehold (HO1EC699).

Background

2. This case relates to an application made under section 27(1) of the Leasehold Reform Act 1967 for a determination of the price to be paid for the transfer of the freehold of a house and garden held under a long lease where the landlord is missing. The application was made in the County Court at Clerkenwell and Shoreditch on 9 June 2021. On 23 February 2022 District Judge Jacobs transferred the case to the Tribunal to determine the price payable in accordance with s9(1) of the Act.
3. Ms Alice Stone BSc (Hons) MRICS had prepared a report and valuation, dated 23 May 2022, relating to the application. The report included statements confirming that she had complied with the requirements of the rules, protocols and directions of the tribunal and her duty to the Tribunal as an expert witness; the report complied with the Royal Institution of Chartered Surveyors Practice Statement: Surveyors Acting as Expert Witnesses.

Evidence

4. The Tribunal considered the valuation report of Ms Stone.
5. The property is a two storey house plus loft accommodation. The date of construction is unknown, however planning permission was granted on appeal in March 2014 for the demolition of the flat previously constructed on the site of the garage and part of the original garden of Number 79. It is located in a residential area comprising mainly Victorian terraced houses. East Ham station is a little over a mile away and primary shopping is available on the other side of the A13 approximately a quarter of a mile away.
6. The house comprises an entrance hall and open plan living room/kitchen on the ground floor, one bedroom and shower/wc on the first floor and a bedroom and bathroom/wc in the loft. The windows are uPVC double glazed, there are some laminate floor surfaces, the house has gas fired boiler central heating via radiators. Externally there is a small rear garden.
7. The house is subject to a lease for a term of 99 years from 18 December 2009 at £50 pa for the first 33 years and £100 pa thereafter.

8. Ms Stone adopted a capitalisation rate of 6% and a deferment rate of 4.75% based on the Sportelli decision.
9. She relied on sold prices of four comparables nearby to arrive at the value of the freehold. Three of the comparables were houses nearby and the fourth was a two bedroom ground floor flat.
10. She adjusted the comparables for time, being terraced rather than end terraced, size and amenity to arrive at a freehold value of £352,500.
11. Her valuation which was included in the report produced a premium of £2,470.

Decision

12. **Valuation date.** The valuation date is 9 June 2021, the date of service of the claim. The unexpired term at the valuation date is 87.56 years.
13. **Valuation of the freehold.** The tribunal accepts the value proposed of £352,500 based on the comparable evidence provided.
14. **Capitalisation and Deferment Rate.** The Tribunal accepts the capitalisation rate of 6% and deferment rate of 4.75%.
15. **Enfranchisement Price.** The Tribunal determines the premium to be paid at £2,470.

Evelyn Flint

1 November 2022

RIGHTS OF APPEAL

1. 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.
2. 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.
3. 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.

4. 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.

