

IN THE LEASEHOLD VALUATION TRIBUNAL

LON/LVT/2002/05

IN THE MATTER OF 65 BLACKHEATH PARK, LONDON, SE3 9SQ

BETWEEN:

**(1) MARK ROSSI
(2) ANGELA WALSH**

Applicants

-and-

PAPILLONS RESIDENTS ASSOCIATION LIMITED

Respondent

THE TRIBUNAL'S DECISION

Background

1. This is an application made by the Applicants pursuant to Part 1 section 1 of the Leasehold Reform Act 1967 (as amended) ("the Act") to acquire the freehold interest in the subject property known as 65 Blackheath Park, London SE3 9SQ. The application is dated 2 December 2005.
2. Prior to the issue of the application, the Applicants exercised their right to enfranchise by serving a Notice of Tenant's Claim on the Respondent pursuant to section 8 of the Act. The Respondent is the freeholder of the subject property. It was not disputed that the Applicants were qualifying tenants within the meaning of Part 1 section 1 of the Act and, therefore, entitled to enfranchise. From the papers before the Tribunal it appears that no Reply to

the Applicants Notice of Claim was served by the Respondent. As at the date of issue of the application, the only terms that were in dispute were the purchase price to be paid for the freehold interest and the terms of the Transfer. The Applicants contended that the former should be valued at nil.

3. Standard Directions were issued by the Tribunal on 7 February 2006, but were erroneously dated 7 February 2005. In any event, neither party complied with the Directions. Applications made to adjourn the hearing were refused by the Tribunal.

Hearing

4. The hearing in this matter took place on 25 April 2006. Mr Canon of Counsel appeared for the Applicants. The Respondents were represented by Mr Edwin-Jones, a chartered surveyor.
5. At the request of the parties, the Tribunal granted a short adjournment to enable the parties to conduct further negotiations about the disputed issues. Fortunately, these proved to be successful and are set out in the Consent Order and Schedule annexed to this Decision. Accordingly, upon the parties having reached agreement on the issues in dispute, the Tribunal dismisses the application.

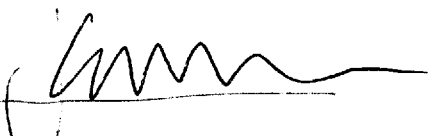
Dated the 9 day of May 2006

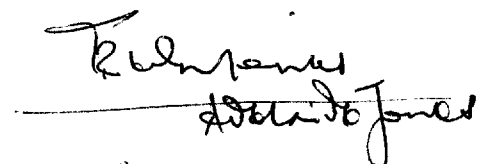
CHAIRMAN.....I. Mohabir

Mr I Mohabir LLB (Hons)

SCHEDULE

1. The purchase price for the freehold interest of 65 Blackheath Park SE3 9SQ is £21,000
2. Upon payment of the above sum in consideration for the freehold interest, the Respondent will inform Woolwich County Court in writing that the outstanding judgment debt in case number 4QZ41162, judgment dated 30/3/06, has been satisfied in full; and invite the court to strike the matter out.
3. The Applicants will, upon payment of the above sum, withdraw their appeal against the judgment mentioned in (2) above.
4. Upon payment of the above sum, the Respondent will apply a credit of £460 to the Service Charges account of the Applicants; and there will be no further liability upon the Applicants in respect of service charges save as is set out in the TPI executed in respect of this matter.
5. Nothing in this agreement affects the position between the parties as to statutory costs. ~~of enforcement contained in s 9(1) of the Leasehold Reform Act 1967.~~


Counsel - Applicants


Respondent

In the LEASEHOLD VALUATION TRIBUNAL

LON/LVT/2002/05

In respect of 65 BLACKHEATH PARK

ORDER

UPON THE PARTIES AGREEING THE MATTERS SET OUT IN THE
SCHEDULE HERETO;

1. THE MATTER BE DISMISSED

~~2. The purchase price for the property is~~

~~1. The purchase price for the property is~~

~~2. The Applicants~~

**LEASEHOLD VALUATION TRIBUNAL FOR THE LONDON RENT
ASSESSMENT PANEL**

**APPLICATION UNDER SECTION 48 OF THE LEASEHOLD REFORM,
HOUSING AND URBAN DEVELOPMENT ACT 1993**

Applicants: Mr MARK ROSSI AND Mrs ANGELA WALSH

Respondents: PAPILLONS RESIDENTS ASSOCIATION

Re: 65 BLACKHEATH PARK, LONDON, SE3 9SQ

Hearing date: TUESDAY 25th APRIL, 2006

Appearances for Applicant : COUNSEL Mr CANNON (GRAY'S INN SQ)

Appearances for Respondent : Mr EDWYN-JONES (EXPERT WITNESS)

Members of the Leasehold Valuation Tribunal:

MR I. MOHABIR

MR P. TOBIN

MRS H. BOWERS

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Dated the 9 day of May 2006

CHAIRMAN..... J. Mohabir

Mr I Mohabir LLB (Hons)