

Ref: LON/ENF/1573/05

LEASEHOLD VALUATION TRIBUNAL FOR THE LONDON RENT ASSESSMENT
PANEL

APPLICATION UNDER SECTION 24 OF THE LEASEHOLD REFORM HOUSING
URBAN AND DEVELOPMENT ACT 1993

Applicant: Jody Anne Ebenezer & Keith Simon Williams

Respondents: Missing Landlord

Premises: 113 Blenheim Road, Harrow, HA2 7AG

Hearing Date: 5th September 2005

Paper Determination::

Members of the Leasehold Valuation Tribunal:

Mrs S E Goulden LLB
Mr P M Casey MRICS

Date of Tribunal's decision: 22nd November 2005

1. This is an application under section 24 of the Leasehold Reform, Housing and Urban Development Act 1993 for the determination of the freehold value of the property known as 113 Blenheim Road, Harrow, Middlesex HA2 7AG. The Applicants are Ms Jody Anne Ebenezer who is the lessee of the first floor flat (113a) and Mr Keith Simon Williams who is the lessee of the ground floor flat (113). The Respondent missing landlord is Mr Raj Mohammed Qureshi.
2. An application was made to the Willesden County Court on 14 April 2005 for a vesting order and on 27 June 2005 Deputy District Judge Spon-Smith made an order pursuant to section 26(1) of the Leasehold Reform, Housing and Urban Development Act 1993 vesting the freehold interest of the property in the Applicants subject to a determination of the freehold value by the Leasehold Valuation Tribunal.
3. The application was dealt with by the Tribunal as a paper application, with representations being made on behalf of the Applicants by their Solicitors Turbervilles.
4. In support of their application the Applicants relied upon a report prepared by John P Hennessy, BSc MRICS, of Stephen J Woodward Valuers Commercial and Leasehold Valuers and Chartered Surveyors, dated 21 December 2004. Mr Hennessy determined that the freehold extended value of the first floor flat was £155,000 and the ground floor flat was £167,500. The value of the ground floor flat was higher because the ground floor flat enjoyed the benefits of sole use of the rear garden area and a garage. Mr Hennessy then went on to make deductions of £2000 from each of the flat values on the assumption that although flats would have contained relatively modern bathroom and kitchen fittings as well as central heating when first leased, they would not have benefited from double glazing which is now in place. The Tribunal however considered that in the absence of specific evidence that Mr Hennessy was not entitled to make this assumption.

The Tribunal using its general knowledge and experience considered that the appropriate long lease values for first and ground floor flats respectively were £155,500 and £168,500.

5. Mr Hennesy suggested a yield rate of 9% and although this was at the top end the Tribunal considered that this was appropriate in the circumstances.
6. With regard to relativity, Mr Hennessey suggested a figure of 97.5%. The Tribunal considered that this was a little on the high side on the basis of the evidence relied upon by Mr Hennessy and considered that the figure of 96% was appropriate. Thus 96% of the freehold value of the first and ground floor flats was £149,280 and £161,280 respectively.
7. Accordingly the Tribunal found that the total premium payable for the freehold interest was £7800.
8. **Decision**
 - (1) The total premium payable for the freehold interest of the property is £7800.
 - (2) The transfer is approved subject to the inclusion of the above premium found to be payable.
 - (3) A copy of the Tribunal's valuation is attached to this decision.

Chairman: 

Date: 22/11/05

Leasehold Valuation Tribunal
 For the London Rent Assessment Panel
 S24 Leasehold Reform Housing and Urban Development Act
 1993

113 Blenheim Road Harrow HA2 7AG
 Valuation in accordance with Schedule 6

A Ground Rents payable			£175 pa	
Years Purchase (YP) for 13 years				
@ 9%			<u>7.4869</u>	£1308
Reversion to			£250 pa	
YP 33 years @ 9% def 13 years			<u>3.412</u>	£852
Reversion to			£350 pa	
YP 33 years @ 9% def 46 years			<u>0.1977</u>	£68
Reversion to freehold with VP			£323,500	
Def 78 years @ 9%			0.0011	<u>£356</u>
Value of Freehold				£2585
B Marriage Value				
Value of Freehold with VP				£323,500
Less existing Freehold value			£2585	
And existing Leasehold values			<u>£310,560</u>	<u>£313,145</u>
Total Marriage Value				£10,355
50% to Freeholder				<u>£5178</u>
				£7763
Purchase Price Payable say				£7800

GUIDANCE ON APPEAL FROM THE LVT

1. The decision of the Leasehold Valuation Tribunal (LVT) is final and there is no power for the LVT to revisit or reconsider that decision. If you are dissatisfied with the decision of an LVT the statutory remedy is to appeal to the Lands Tribunal¹. This guidance explains how a party may appeal.
2. A decision and reasons may be issued together. Alternatively, a decision may be issued and reasons sent at a later stage. Appeal rights run from the date the written reasons are sent to a party².
3. In order to appeal a party must obtain permission to do so. Application for permission must first be made to the LVT. If the LVT refuse permission the application may be renewed to the Lands Tribunal.
4. An application for permission from the LVT must be made within 21 days of the date on which the reasons for the decision were sent to the party seeking to appeal³. The LVT has power to extend the time for seeking permission to appeal but no extension will be granted unless there is good and sufficient reason for it. **The LVT can only give an extension of time if the request is made before the expiry of the initial 21 days.**⁴
5. An application for permission to appeal and/or for an extension of time to seek permission should be made in writing and should clearly identify the decision concerned (including any reference number). An application for permission should also contain:
 - (a) the name and address of the applicant;
 - (b) the name and address of every respondent;
 - (c) the grounds of appeal against the decision in respect of which leave to appeal is sought;
 - (d) where the applicant is represented, the name, address and profession of the representative; and
 - (e) the signature of the applicant or his representative and the date the application was signed.

¹ Commonhold and Leasehold Reform Act 2002, s.175.

² Leasehold Valuation Tribunals (Procedure)(England)Regulations 2003 (S.I. 2003 No.2099) reg.20(a).

³ Ibid.

⁴ Ibid. reg. 24

6. On receipt of an application for permission the LVT will serve a copy on every other party. To facilitate the process it would assist if sufficient copies were provided with the application for this purpose.
7. The LVT will give the parties written notification of its decision. If permission to appeal is granted then notice of appeal must be given to the Registrar of the Lands Tribunal within 28 days of the grant of permission. If permission is refused, a renewed application for permission may be made to the Lands Tribunal within 28 days of that refusal.⁵
8. The Lands Tribunal may not order a party to the appeal to pay costs incurred by another party in connection with the appeal unless that party has, in the opinion of the Lands Tribunal, acted frivolously, vexatiously, abusively, disruptively or otherwise unreasonably in connection with the appeal.⁶ In such a case the Lands Tribunal may not award costs in excess of £500

The Lands Tribunal may be contacted at:
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Residential Property Tribunal Service

August 2005

⁵ The Lands Tribunal Rules 1996 (S.I. 1996 1022) as amended.
⁶ Commonhold and Leasehold Reform Act 2002, s.175(6).