

THE RESIDENTIAL PROPERTY TRIBUNAL SERVICE

**DECISION OF THE LONDON LEASEHOLD VALUATION TRIBUNAL
AS TO ITS JURISDICTION TO MAKE AN ORDER UNDER PART III OF
THE LANDLORD AND TENANT ACT 1987**

Property: 118 Como Street, Romford, Essex RM7 7DT

Applicants: R M Taylor and R C Couzens (the nominated person)

Respondent: M A Adams (landlord)

**Determination without a hearing under the provisions of regulation 13
of the Leasehold Valuation Tribunal Tribunals (Procedure) (England)
Regulations 2003**

Members of the leasehold valuation tribunal:

Lady Wilson
Mr D L Edge FRICS
Mr P S Roberts Dip Arch RIBA

Date of the tribunal's decision: 20 June 2006

1. The court has referred to the tribunal the determination of the amount to be paid for the acquisition of the landlord's interest under Part III of the Landlord and Tenant Act 1987, it having been determined by the court on 24 February 2006 that the statutory conditions for making an acquisition order exist and that it is appropriate to make such an order in the circumstances of the case, and that the landlord cannot be found. Paragraph 2.1 of the court's order provides that the value of the landlord's interest may be certified by either the tribunal or a surveyor selected by the President of the Lands Tribunal. The nominated person's representatives have asked the leasehold valuation tribunal to determine the amount.
2. However, we are satisfied that the valuation is required by statute to be made by a surveyor selected by the President of the Lands Tribunal and that it cannot be made by the leasehold valuation tribunal. Section 33(2) so provides, and, by section 31(6):

Nothing in this section shall be construed as authorising a leasehold valuation tribunal to determine any terms dealing with matters in relation to which provision is made by section ... 33.

3. Jurisdiction to make an order cannot be conferred by the court if it is not given by statute, and accordingly we are satisfied that any determination which we might make would be outside our powers and therefore void.

CHAIRMAN.....

DATE..... 20 June 2006