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LVT 9

Our Ref: M/EH 2375c

**MIDLAND RENT ASSESSMENT PANEL**

Leasehold Reform Act 1967

Housing Act 1980

**DECISION OF LEASEHOLD VALUATION TRIBUNAL**

**ON AN APPLICATION UNDER S21 OF THE LEASEHOLD REFORM ACT 1967**

Applicant: Mr H R Smith  
Respondent: Skillton Court Limited  
Re: 12 Tower Road, Tividale, Oldbury, B69 1ND  
  
Date of Tenants Notice: 26 September 2001  
RV as at 31.3.90: £167.00  
Application dated: 16 January 2002  
Heard at: The Panel Office  
On: Monday 29 April 2002  
  
APPEARANCES:  
For the Tenant: Mr A W Brunt FRICS  
For the Landlord: Not Represented

Members of the Leasehold Valuation Tribunal:

Mr J R Bettinson LLD (Chairman)  
Mr S Berg  
Mrs N Jukes

Date of Tribunals decision: 21 MAY 2002

## DECISION OF THE MIDLAND LEASEHOLD VALUATION TRIBUNAL

**APPLICATION**

This is a reference to determine the price to be paid by the Tenant, Mr .H.R. Smith for the freehold interest in the property known as No. 12 Tower Road Tividale Oldbury West Midlands B69 1ND in accordance with the provisions of the Leasehold Reform Act 1967 as amended. The Tenant holds the property under an Underlease dated 7<sup>th</sup> January 1943 for the unexpired residue of a term of 99 years (less 3 days) from 25<sup>th</sup> December 1938 at a yearly ground rent of £5. The Tenant's Notice of Claim to acquire the freehold interest was dated 26<sup>th</sup> September 2001 when some 36 years of the term remained unexpired. The Parties accept that the qualifying conditions for enfranchisement under the Act have been met.

**INSPECTION**

Prior to the Hearing the Tribunal called to see the property which they found on inspection to be a semi detached house constructed of brick and tile fronting to Tower Road Tividale (a well used connecting road to the Wolverhampton New Road) with a return frontage to Dovey Road. The accommodation comprises on the ground floor a living room with a kitchen/diner behind and an outside WC. On the upper floor are three bedrooms with a combined bathroom and WC. The rear garden rises to a terrace on which is erected a garage (with vehicular access from Dovey Road). The front garden includes an area at the side of the house but it is considered that the building line for Dovey Road would prohibit building any significant extension on that land.

The site of the subject property has a road frontage of approximately 9.5 metres and an area of some 235 square metres

**THE HEARING**

This was attended by Mr. A.W.Brunt FRICS on behalf of the Tenant. The Landlords, Skilton Court Limited were not represented. Mr. Brunt submitted his valuation as follows

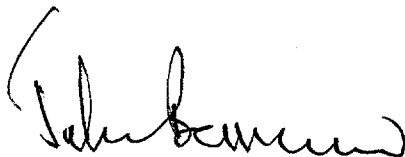
Ground Rent	£5	
YP 36 years @ 7%	13.035	65. 17
Standing House Value	£63,000	
PWV value @ 33%	£21,000	
Sect.15 Rent @ 7%	£ 1,470. pa	
YP deferred for 36 yrs @ 7%	1.25	1,837. 50
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	say	£1903.---

In support of his entirety value, he instanced No. 80 Tower Road sold in September 2001 for £54,950 but having no garage: No. 98 (a larger house which has been modernised with central heating and with a more open view to the south over the park which abuts the rear boundary of that property) just sold for £64,950 and No. 50 just sold for £63,500.

He also requested the Tribunal to determine the Landlords' reasonable costs to be paid by his client pursuant to Sec 9(4) Leasehold Reform Act 1967 and Schedule 33 Rule 1(5) Housing Act 1980. He submitted that there was no evidence to suggest that a valuation had been commissioned by the Landlords prior to his client's application to the Tribunal and tabled a letter from the Landlords dated 24<sup>th</sup> January 2002 confirming this. He also tabled a faxed communication from Messrs. Humphreys & Dancer, the Valuers then acting for the Landlords dated 26<sup>th</sup> April 2002 proposing a price of £2,000 (no supporting valuation)w and claiming legal costs of 'up to £500'. No detail to support this figure had been submitted and in Mr, Brunt's view, the Tribunal should determine for the conveyancing involved a figure of £225 (plus V.A.T. if applicable) and disbursements (assuming the title to be registered and Land Registry office copies required) – that being the figure recently adopted in a number of similar cases.

### **DECISION**

In the absence of any evidence to the contrary, the Tribunal sees no reason to reject either of Mr. Brunt's submissions and accordingly we determine the price to be paid by the Tenant for the freehold interest in the subject property at £1,903 plus the Landlord's legal costs of £225 (plus V.A.T.) and disbursements



JOHN BETTINSON  
CHAIRMAN

21 May 2002