



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

**Case Reference** : CHI/00MR/OFR/2015/0001

**Property** : 9 Nightingale Road, Southsea, Hampshire  
PO5 3JH

**Applicant** : 9 Nightingale Road Company Limited

**Representative** : Glanville Legal Services

**Respondent** : Sally Anne Thompson

**Representative** : Lawcomm Solicitors

**Type of Application** : Determination of the terms of disposal  
relating to a purchase notice under section  
12B of the Landlord and Tenant Act 1987  
(1987 Act).

**Tribunal Member(s)** : Judge Tildesley OBE

**Date of Decision** : 1 April 2015

---

DECISION

---

## Decisions of the Tribunal

1. On 9 December 2014 the Applicant served a Notice on the Respondent claiming that it was entitled to acquire the freehold of the property pursuant to section 12 of the 1987 Act.
2. The Respondent was the Registered Freehold Owner of the Property and registered as the Proprietor on the 7 May 2014, and the price paid on disposal was £4,000.
3. The Applicant having received no response to the Notice issued a Notice of Default under section 19 of the Act on the Respondent.
4. On 23 January 2015 the Applicant applied to determine the terms of disposal pursuant to section 12(4)(b) of the 1987 Act.
5. On 27 January 2015 the Tribunal directed that a determination be made on the papers unless a party objected within 28 days. No party objected. The Tribunal required the Respondent to provide the Applicant with its statement of case on 17 February 2015. Finally the Tribunal ordered the Applicant to provide a determination bundle which was supplied on 13 March 2015.
6. It would appear the Respondent has failed to provide a statement of case. Instead the Respondent's solicitors wrote a "Without Prejudice" letter to the Applicant's solicitors dated 24 February 2015.
7. The Tribunal is in a dilemma. The Tribunal considers the determination bundle unhelpful. The bundle has no index and is not paginated. Further the Respondent has failed to provide a clear position statement, although it would appear that she is not objecting to the disposal of the freehold with Title Number HP482327. Finally the Tribunal is also conscious of the escalating costs for the parties, if further directions are issued.
8. Given the above circumstances the Tribunal makes the following determination in order to progress the matter.
  - (a) The Tribunal declares that the Respondent is required to dispose of the freehold with Title Number HP482327 to the Applicant for the sum of £4,000.
  - (b) The disposal should take place no later than 16 May 2015.
  - (c) The terms of the draft transfer to be agreed by the parties by no later than 16 April 2015.
  - (d) If the disposal does not take place by 16 May 2015 leave is given to the Applicant to apply to the County Court for either a vesting order and or the Court to execute a transfer in place of the Respondent.

- (e) If the Applicant wishes to apply for costs under rule 13 of the Tribunal Procedure Rules 2013 it must make application to the Tribunal with a copy to the Respondent within 21 days from the date of this decision setting out clearly the grounds allegedly supporting the criterion of *unreasonableness*. The Respondent has 14 days in which to respond with copies served on the Tribunal and the Applicant.
9. The parties were given 14 days to make representations on the above determination. No representations were made. The Tribunal, therefore, confirms the determination.

## RIGHTS OF APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28-day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking