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

**Case Reference** : LON/00AJ/OCE/2013/0176

**Property** : 169 Southfield Road, London W4  
5LB

**Applicant** : (1) Mr John Paul Farrell  
(2) Mrs Rachel Judith Hartley  
Raphael

**Representative** : Kennedys Solicitors

**Respondent** : (1) Daniel Joseph Noonan  
(2) Mary Margaret Noonan

**Representative** : None

**Type of Application** : Application under sections 26 and  
27 of the Leasehold Reform  
Housing and Urban Development  
Act 1993

**Tribunal Members** : Ms Naomi Hawkes  
Mr Neil Martindale FRICS

**Date and venue of  
Paper Determination** : 16.9.13  
10 Alfred Place, London WC1E 7LR

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**DECISION**

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**The Decision**

1.1 The price to be paid by the Applicants for the freehold interest is £51,203.

1.2 The terms of the draft transfer are as provided for in paragraph 11 below.

## **Background**

1. This is an application pursuant to directions made by DJ Willans sitting at Brentford County Court in a claim made under section 26 of the Leasehold Reform Housing and Urban Development Act 1993 (“the 1993 Act”) on 13.5.13.
2. Section 26(1) of the 1993 Act concerns claims for collective enfranchisement where the relevant landlord cannot be found. It enables the court to make a vesting order in respect of any interests of the landlord which are liable to acquisition.
3. Under section 27 of the 1993 Act, the role of the Tribunal is to determine the appropriate sum to be paid into court in respect of the landlord’s interests and also to approve the form and terms of the proposed transfer.
4. The Applicants in this matter are Mr John Paul Farrell and Mrs Rachel Judith Hartley Raphael. They are the tenants of the two flats at 169 Southfield Road, London, W4 5LB and the proposed nominee purchasers of the subject property for the purposes of the 1993 Act. The Respondent freehold owners are Daniel Joseph Noonan and Mary Margaret Noonan.
5. On 8<sup>th</sup> February 2013, the Applicants issued a Part 8 Claim in the Brentford County Court for an order pursuant to section 26(1) of the 1993 Act vesting the freehold interest in 169 Southfield Road, London W4 5LB in the Applicants. They have been unable to ascertain the whereabouts of the Respondent freehold owners and were therefore not able to serve a notice pursuant to section 13 of the 1993 Act.
6. On 13.3.13 DDJ Willens made an order dispensing with service of the claim form and listing the matter for directions on 13.5.13. On 13.5.13, DJ Willans directed the Applicants to obtain a valuation of the freehold interest in 169 Southfield Road, London W4 5LB for the purpose of acquisition under Part I of the 1993 Act and to submit an application for the Leasehold Valuation Tribunal for the determination of the premium payable in respect of the freehold interest and for approval of the draft Transfer.
7. In support of the application, the Applicants rely upon the valuation report of Andrew Balcome FRICS dated 6<sup>th</sup> June 2013. Mr Balcome calculated the premium to be paid as being £50,474. The Tribunal was also provided with a copy of the draft TR1 for approval.

## **The Determination**

8. The Tribunal accepts the opinions expressed by Andrew Balcome FRICS in his valuation report dated 6<sup>th</sup> June 2013, save that it finds that:

- a. The valuation date of 6.6.13 which he used is incorrect. The correct valuation date is 8.2.13, namely the date of the application to the County Court (see section 26(5)(a) of the 1993 Act).
  - b. The appropriate valuation for each flat is £300,000. The Tribunal is not satisfied on the basis of the evidence before it that there is any difference in value between the two flats.
9. This has resulted in a slightly different calculation giving a premium of £51,203. A copy of the Tribunal's valuation is attached to this decision.
  10. Accordingly, the Tribunal determines that the premium to be paid in respect of the collective enfranchisement of 169 Southfield Road, London, W4 5LB is £51,203.
  11. The Tribunal also approves the draft transfer which has been submitted by the Applicants subject to:
    - a. The inclusion in box 9 that the consideration (the premium of £51,203) has been paid into court.
    - b. In box 11 it should be recorded that "this transfer is executed for the purposes of Chapter 1 Part 1 of the Leasehold Reform Housing and Urban Development Act 1993".
  12. This matter should now be returned to the Brentford County Court under Claim No.3BFOO282 in order for the final procedures to take place.

Naomi Hawkes

16.9.13

## 169 GF & 169a FF Southfield Road W4 5LB

Enfranchisement			
Valuation Date		08/02/2013	
Expiry of existing lease		28/09/2077	
Existing Term unexpired		64.64	
Capitalisation rate %		6.5	
Deferment rate %		5	
VP Value of Freehold (2No.flats at £300000)		600000	

### **Landlords Present Interest**

Fixed Present GR		100	
YP for 31.64 years @ 6.5%	13.27		£1,327
No deferment			
Fixed GR from RR in 31.5 years		150	
YP for 33 years @ 6.5%	13.46		
PV £1 in 31.64 years @ 6.5%	0.138		£279
VP Value of Freehold		600000	
PV £1 in 64.64 years @ 5%	0.043		£25,800

### **Tenants Present Interest**

VP Value of Freehold		600000	£27,406
% relativity between Present LLH and FH	87.5		
VP Value of Present Leasehold interests			£525,000

### **Marriage Value**

VP Value of Freehold		600000	
LESS Landlords Present Interest		27406	
LESS Tenant's Present Interest		525000	
<b>Marriage Value</b>			£47,594
Landlords Share of Marriage Value 50%			

### **Landlords Present Interest plus Landlords Share of Marriage Value**

**£23,797**

### **Enfranchisement Price**

£27,406  
£23,797

**£51,203**