



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

**Case reference** : **LON/00BK/OCE/2021/0109**

**HMCTS Code** : **V: CVPREMOTE**

**Property** : **20 Hanson Street, London W1W  
6UF**

**Applicant** : **20 Hanson Street (Freehold)  
Limited**

**Representative** : **Toby Boncey, Counsel**

**Respondent** : **Mohammed Nawaz (aka Mauladad  
Khan)**

**Representative** : **-**

**Type of application** : **A collective enfranchisement claim  
made under the Leasehold Reform,  
Housing and Urban Development  
Act 1993**

**Tribunal members** : **Judge Brandler  
Mr K Ridgeway MRICS**

**Date of hearing and  
venue** : **14<sup>th</sup> December 2021 at  
10 Alfred Place, London WC1E 7LR**

**Date of decision** : **17<sup>th</sup> December 2021**

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**DECISION**

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**Covid-19 pandemic: description of hearing**

This has been a remote video hearing which has not been objected to by the parties. The form of remote hearing was V: CVPREMOTE. A face-to-face hearing was not held because it was not practicable and no-one requested the same and all issues could be determined in a remote hearing. The documents

that we were referred to are in a bundle of 367 pages, the contents of which we have noted. The order made is described at the end of these reasons.

### **Summary of the tribunal's decision**

- (1) The Tribunal determines that the form of Transfer attached hereto in Land Registry Form TR1 is approved.
- (2) The sum due to Mohammed Nawaz is £20 only from any tenants of the property at 20 Hanson Street, London W1W 6UF at the time of the conveyance
- (3) No properly demanded ground rent is due to the Mohammed Nawaz.

### **Background**

1. This is a collective enfranchisement claim made by the Applicant nominee purchaser in respect of an Initial Notice dated 21 June 2018.
2. By order of District Judge Langley sitting at the County Court in Central London in claim number F10CL347 dated 21 June 2019, in default of a counter-notice under s.21(1) of the Leasehold Reform, Housing and Urban Development Act 1993 ("the 1993 Act"), it was declared that the participating tenants specified in the Initial Notice were on 21 June 2018 entitled to exercise the right to collective enfranchisement in relation to 20 Hanson Street, London W1W 6UF ("the property") and that the Applicant nominee purchaser is entitled to acquire the freehold interest in that property together with the rights specified in the initial Notice on the terms proposed in the initial Notice.
3. An application by Mohammed Nawaz to set aside that order was dismissed on 26 September 2019.
4. No binding contract incorporating the terms specified in the 21 June 2019 order having been entered into by the end of the appropriate period specified in s.25(8) of the 1993 Act, by order of District Judge Lightman in claim number F03CL440 dated 27 November 2020, a vesting order was made under s.25(6) of the 1993 Act as follows:

*"5. The interests to be acquired by the Claimant as specified in paragraph 3 of the 21 June 2019 Order and the Initial Notice shall be vested in the Claimant on the terms specified in the 21 June 2019 Order and the Initial Notice.*

*6. Upon the Claimant paying into Court the appropriate sum in respect of each of those interest, there shall be executed by a District*

*Judge of this Court a conveyance which (a) is in a form approved by the First-tier Tribunal, and (b) contains such provisions as may be so approved for the purpose of giving effect to this Order.*

*7. The “appropriate sum” for the purpose of this Order in respect of the interests to be acquired is the aggregate of- (a) £6,407.44 (being the price specified in the Initial Notice of £36,400, minus the aggregate of the sums payable by the Defendant in respect of the Claimant’s costs pursuant to paragraph 2 of the 26 September 2019 Order, paragraph 4 of the 21 June 2019 Order and paragraph 10 of this Order below); and (b) any amounts or estimated amounts determined by the First-tier Tribunal as being, at the time of execution of the conveyance, due to the transferor from any tenants of his premises comprised in the Specified Premises (whether due under or in respect of their leases or under or in respect of any agreements collateral thereto)”. [128-129]*

5. By paragraph 8 of District Judge Lightman’s order, the matter was transferred to the First-tier Property Tribunal (“FTT”) for determination of the following distinct issues:

(1) The form of the conveyance to be executed in favour of the Claimant; and

(2) The amounts or estimated amounts which at the time of execution of the conveyance, may be due to the Defendant from any tenants of the property (whether due under or in respect of their leases or under or in respect of agreements collateral thereto). [129]

6. Mohammed Nawaz is named as the Defendant in the County Court proceedings as well as being named as the Respondent in the FTT proceedings. However, Mauladad Khan is registered as holding freehold interest in the property. The Applicant asserts that these are one and the same person, as evidenced in various documents:

(i) In the Cardiff Crown Court Restraint Order Prohibiting Disposal of Assets dated 21/04/2015, Mr Mohammed Nawaz is prohibited from disposing of assets including “(t) *the property known as 20 Hanson Street, London W1W 6UF registered at the Land Registry under title number 280386 in the name of Mauladad Khan, a name used by Mohammed Nawaz;*” [308]

(ii) In a letter written by Mohammed Nawaz whilst in prison on 14/12/2017, he writes “*Please note freehold is in my name, there is ground rent outstanding on all flats... please let me know does the tenants wish to renew their leases. I will provide you details of my solicitors you can contact. Freehold is not for sale until case is finish. Rafina Solicitors, 795 Harrow Road, Wembley HAO 2LP*”[27]. When the Applicant’s solicitors

contacted Rafina Solicitors, they responded on 08/06/2018 and stated “As acting solicitors to the Landlord, we confirm we will accept service of notice in respect of the above property” [48]

- (iii) In a letter from Mohammed Nawaz to the father of one of the leaseholders, he writes “*I have received your letter..... I am owner of .... 20 Hanson Street... I have changed my name by deed pole and reverted back to Mohammed Nawaz. In future you can contact me at Prison address..*” [26]
- (iv) In a letter to the Applicant’s solicitors, Mohammed Nawaz writes on 1/09/2020 “*I am the freehold owner of 20 Hanson Street*” [109]
- (v) In an email to the Tribunal Service, Mohammed Nawaz writes on 20/11/2021 “*I am willing to sell freehold interest to leaseholders*” [356]

### **The hearing**

7. The Applicant was represented by Toby Boncey, counsel, who joined remotely by video. He was accompanied by his instructing solicitor, Ms Natalie Deuchar of Charles Russell Speechlys LLP.
8. At 10 a.m. on the morning of the hearing, the Hearing Officer telephoned Mohammed Nawaz to find out if he was intending to join. He stated that he had not had notification of the hearing and asked that the hearing be adjourned. He also stated that he had a hospital appointment and did not want to attend without legal representation. He was invited to join the hearing to make this application, but he refused, stating instead that he was on his way to a hospital appointment and would discuss the matter with a representative in the new year.
9. In his submission in response to this application to adjourn, Mr Boncey set out the long history of non-compliance by the Respondent both in the County court and the Tribunal. In the County Court this led to an application to set aside District Judge Langley’s order, which failed, and further to an application to adjourn the hearing before District Judge Lightman, which was refused.
10. In the proceedings before the FTT, Mohammed Nawaz has failed to comply with any of the Tribunal’s directions. He was warned on 12/11/2021 by Judge Nicol who directed that “*Unless Mr Nawaz does what is set out in paragraph 2 of the directions by 22<sup>nd</sup> November 2021, he will stand debarred from defending these proceedings any further*” [343-346].

11. On 20/11/2021 the Respondent emailed the Tribunal referring to inter alia “*outstanding ground rent in the sum of £28,000*”. On 25/11/2021 Judge N Carr confirmed and directed “*Mr Nawaz has not complied and stands automatically debarred as at 23 November 2021. He has 28 days from that date to bring an application to lift the bar in accordance with rule 9(5) and (6) of the Tribunal Procedure (First-tier Tribunal)(Property Chamber) Rules 2013.*

*I hereby direct that any such application must remedy the default, ie it must be accompanied by Mr Nawaz’s statement of case and documents complying with the requirements of paragraph 2 o the Directions set out above” (sic) [360-363].*

12. In relation to notification of this listing, the Tribunal informed both parties by letter and email on 15/11/2021, and on 7/12/2021 the Applicant’s solicitors wrote to him by special delivery and by email with the appeal bundle and reminding him of the hearing today. Neither of those emails have ‘bounced’ back, and it is not accepted that he was not informed of the hearing date. It is further argued that as the Respondent was debarred from 23/11/2021 and whilst he may have 28 days from that date to bring an application to lift the bar, he has to date failed to make any application to remedy that default.
13. Having considered the submissions from both parties, the application to adjourn the hearing is disproportionate in the circumstances and is refused.

### **The issues**

#### **Land Registry Form TR1**

14. The form of Transfer attached hereto in Land Registry Form TR1 is approved.
15. The Tribunal accepts that Mauladad Khan is Mohammed Nawaz, as evidenced by documents described at paragraph 6 above.

#### **Amounts due to the Respondent from the leaseholders**

16. The Tribunal find that the only sum due to Mohammed Nawaz is £20 from the leaseholders. This is confirmed by the leaseholder of flat 1 that at the date of the conveyance, he will owe the Respondent £20 by way of a fee for notice of assignment pursuant to clause 3(8) of his lease, although this is not a sum which the Respondent has ever demanded. [294, 298]
17. Mohammed Nawaz has failed to produce any valid demand for ground rent. Although he claims various sums ranging from £9,800 to £28,000 which is later described as “*approximately £28,000*”.



number), state the grounds of appeal and state the result the party making the application is seeking.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).