



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

Case Reference : **LON/00AT/OLR/2018/0203**

Property : **10 Merton Avenue, Chiswick
London W4 1TA**

Applicants : **Gary Cattle**

Representative : **Bolt Burdon**

Respondent : **Chooni Daya (1)
Ushavate Daya (2)**

Representative : **None**

Type of Application : **Missing landlord
S50 and 51 of the Leasehold
Reform, Housing and Urban
Development Act 1993**

Tribunal Members : **Evelyn Flint FRICS
Marina Krisko FRICS**

**Date and venue of
Hearing** : **10 Alfred Place, London WC1E 7LR
Determination without an oral
hearing in accordance with the
procedure in regulation 13 of the
Leasehold Valuation Tribunals
(Procedure)
(England) Regulations 2003**

Date of Decision : **5 April 2018**

DECISION

Decision

1. The premium payable is £13,593. The terms of the lease are approved. The case is remitted to the Brentford County Court to give effect to the Vesting Order (Claim No Do1BF804).

Background

2. This case relates to an application made under section 50 of the Leasehold Reform, Housing and Urban Development Act 1993 (as amended) for a determination of the price to be paid for a statutory lease extension of a flat, where the landlord is missing. The application was made in the Brentford County Court on 6 October 2017. On 11 January 2018 Deputy District Judge Glasner transferred the case to this Tribunal to determine the price .
3. The Tribunal issued Directions on 7 February 2018 and considered the matter on 5 April 2018.
4. Trevor Jackman MRICS of Aspect Surveyors Limited was instructed to prepare a report and valuation relating to the lease extension. He confirmed that his evidence complied with the Code of Practice for Experts and that he recognised that he owed his primary duty to the Tribunal.

Evidence

5. The Tribunal considered the valuation report of Mr Jackman dated 20 March 2018.
6. The subject property is a first floor flat in a two storey converted Victorian house of traditional construction with a pitched roof. A communal entrance lobby leads to the flat which comprises a reception room, bedroom, kitchen and bathroom/wc.
7. The property is located in a predominantly residential area in Chiswick within close proximity to all local amenities.
8. The flat is subject to a lease dated 9 September 1985 for a term of 99 years from 10 June 1983 at £30 pa without review; the unexpired term at the valuation date is 64.68 years.
9. Mr Jackman adopted a capitalisation rate of 7% and a deferment rate of 5% based on the Sportelli decision.

10. Mr Jackman relied on sales of flats nearby to arrive at the value of the extended lease. The comparables comprised sales of three one bedroom flats in the vicinity.
11. Flat 2 45 Goldhawk Road, a first floor flat in a modernised development with an extended lease sold 8 December 2017 for £435,000.
12. 40A Westcroft Square, a ground floor flat in a converted Victorian house sold on 2 October 2017 for £450,000. The property is a little larger than the subject flat, but of a similar specification.
13. 370 Goldhawk Road a lower ground floor flat in a converted Victorian semi detached house sold 23 August 2017 for £440,000.
14. The sale prices were adjusted for time using the Land Registry Index” for the London Borough of Hounslow.
15. In the absence of market evidence of short leasehold values Mr Jackman derived the value by taking into account the RICS research “Leasehold Reform: Graphs of Relativity”, which he stated supported a relativity of 88.85%. The graphs relied on were those of South East Leasehold, Nesbitt & Company, Austin Gray, Andrew Pridell Associates and Beckett & Kay.
16. His valuation was appended to the report and produced a premium of £33,593.00 (thirty three thousand five hundred and ninety three pounds).

Decision

17. **Valuation date.** The valuation date has been correctly identified in the report as the date of the application to the court 6 October 2017.
18. **Valuation of the existing and extended leases.** The Tribunal accepts the valuations adopted in view of the very limited evidence available.
19. **Capitalisation and Deferment Rate.** The Tribunal accepts both the capitalisation rate of 7% and deferment rate of 5%.
20. **Enfranchisement Price.** The Tribunal determines the premium to be paid at £33,593 in accordance with the valuation attached to Mr Jackman’s report.

Evelyn Flint
Chairman

5 April 2018

RIGHTS OF APPEAL

1. If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber) then a written application for permission must be made to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application for permission to appeal must arrive at the Regional office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.
3. If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal, and state the result the party making the application is seeking.