



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

Case Reference : CHI/00MS/OAF/2019/0001

Property : 59 St Aubins Avenue, Sholing, Southampton
SO19 8NU

Applicant : Lisa Michelle Goode

Representative : Glanvilles, solicitors

Respondent : Unknown

Representative :

Type of Application : Leasehold Reform Act 1967 (Missing
Landlord)

Tribunal Member : Mr D Banfield FRICS

Date of Decision : 10 January 2019

DECISION

Summary of Decision

The Tribunal has determined for the reasons set out below that the price payable by the Applicant for the freehold reversion of the property is to be the sum of £150.

The Draft TR1 is approved subject to the amendment as described below

Background

1. Deputy District Judge Coppen sitting at the County Court at Portsmouth made an order dated 25 October 2018 directing that the First Tier Tribunal;
 - a. Assess the appropriate sum in accordance with S27 (5) of the Leasehold Reform Act 1967. (The Act)
 - b. Determine the form of Transfer.
2. Enclosed with the application to the Tribunal was a valuation report prepared by Mr Neil Hawkins FRICS dated 6 November 2012, a letter from Mr Hawkins dated 28 September 2017 confirming that the valuation remained unchanged and a draft TR1.
3. An inspection of the property has not been made.

The Lease

4. The site is identified on the HM Land Registry plan edged red under title number HP15598 and is held by way of a lease for a term of 999 years from 29 September 1869 and made between (1) Kenneth Douglas Audsley Bell (2) Anthony Edward Andrews and Barbara Ann Biles. The lease is subject to a yearly rent of £10.

The Law

5. Section 27(5) of the Act provides:
The appropriate sum which in accordance with Section 27(3) of the Act to be paid in to Court is the aggregate of:
 - a. *Such amount as may be determined by (or on appeal from) the appropriate Tribunal to be the price payable in accordance with Section 9 above; and*
 - b. *The amount or estimated amount (as so determined) of any pecuniary rent payable for the house and premises up to the date of the Conveyance which remains unpaid.*
6. Section 9 of the Act sets out in detail the assumptions to be made and the procedure to be followed in carrying out the valuation. The effect of Section 27(1) is that the valuation date is the date on which the application was made to the Court.
7. There are various bases set out in Section 9 of the Act and the Tribunal determines that the appropriate basis is in Subsection 9(1) being that on 31 March 1990 the Rateable value of the house and premises was not above £500.

The Premises

8. The property comprises a detached bungalow built in 1959.

9. The accommodation comprises an entrance hall, separate wc, living room, kitchen, 3 bedrooms and bathroom. Outside there is a side driveway leading to a garage and gardens front and rear.

Evidence and Decision

10. In his valuation report Mr Hawkins determined that the value for the purposes of Section 27 of The Act was £143 which he rounded up to £150.
11. Mr Hawkins valued the freehold at £190,000 which, due to the length of the outstanding term he valued at nil. Capitalising the ground rent of £10 pa at 7% he arrived at £143 which he rounded up to £150.

12. The Tribunal accepts Mr Hawkins' valuation and determines that the price for this freehold interest shall be £150.

TR1

13. The draft TR1 is approved subject to the following amendments;

Panel 8; Delete the receipt by the transferor and insert "The sum of £150 (one hundred and fifty pounds) has been paid into Court."

14. The Tribunal determines that the amount of unpaid pecuniary rent payable for the property up to the date of the proposed conveyance is nil.

D Banfield FRICS

10 January 2019

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. 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.
2. 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.

3. 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.