



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

Case reference : **RC/LON/OOAP/OCE/2019/0058**

Property : **30 and 30A Eastern Road, London
N2 9LA**

Applicants : **Mr Simon John Shrimpton, Ms
Lucy Kate Shrimpton and Ms
Francine Hill**

Representative : **Streathers Solicitors**

Respondent : **Mr John Kenneth Angel**

Representative : **None**

Type of application : **Application under sections 25 and
26 of the Leasehold Reform
Housing and Urban Development
Act 1993**

Tribunal members : **Ian B Holdsworth MSc FRICS**

Venue : **10 Alfred Place, London WC1E 7LR**

**Date of paper
determination** : **24th July 2019**

DECISION

Decisions of the Tribunal

- (1) The Tribunal determines that the price to be paid by the Applicants for the freehold interest is £26,500. The agreed costs of £5,244 can be deducted from this sum.
- (2) The terms of the draft transfer are provided for in paragraph 14 below.

The Background

1. This is an application under section 25 of the Leasehold Reform Housing and Urban Development Act 1993 (“the 1993 Act”) pursuant to an order made by Deputy District Judge Joshi, sitting at the County Court at Barnet on 19th February 2019.
2. Sections 25(5) and 25(6) of the 1993 Act concerns claims for collective enfranchisement. Should the relevant landlord not issue a counter notice it provides for the court to make a vesting order in respect of any interests of the landlord which are liable to acquisition and transfer the matter to First-tier Tribunal for determination of the premium payable.
3. The Court Order issued on 19th February requires “*the proceedings to be transferred to the First-tier Tribunal (Property Chamber) for the purposes of determining:*
 - a) *The form of conveyance including such provision as may be approved in order to give effect to the terms of acquisition determined by Judge Stone on 23rd July 2018;*
 - b) *The appropriate sum to be paid into court being the aggregate of:*
 - i) *The sum of £26,500 as Fixed by the Order of Judge John Stone; and*
 - ii) *Any amounts or estimated amounts determined by the Tribunal as being at the time of execution of the conveyance due to the Defendant from the tenants of the Premises whether under their leases or in respect of agreements collateral thereto.*
4. The Applicants in this matter are Mr Simon John Shrimpton, Ms Lucy Kate Shrimpton and Ms Francine Hill. They are the qualifying tenants of two flats, namely, flats 30 and 30A at Eastern Road, London N2 9LA (“**the Property**”). The respondent freehold owner is John Kenneth Angel.

5. On 17th December 2017, the Applicants served a Section 13 Notice on the freeholder under the provisions of the 1993 Act. The Respondent freeholder did not issue a counter notice by the statutory response date of 2nd March 2018. A Part 8 application was made to the Court on 26th March 2018 to acquire the terms in accordance with the Section 13 Notice.
6. The Court on 23rd July 2018 fixed the sum payable for the freehold at the proposed purchase price shown on the Applicants notice. The “fixed sum “ is £26,500.
7. The Applicants have provided the Tribunal with a copy of the lease for flat 30 Eastern Road dated 28th June 1995 and the draft TR1 to assist in their determination. It is assumed the lease agreement for flat 30A is the same as the specimen supplied.
8. The Applicants solicitor is of the view that the premium to be paid for the freehold interest is the fixed sum and no further monies are due to the freeholder.

The Determination

9. The Tribunal are required to determine only two matters:
 - Whether the freeholder is due a sum greater than the fixed sum of £26,500 and if so, provide reasons for any supplementary payment; and
 - Confirm the draft TR1 will satisfy the terms of acquisition determined by Judge Stone in his Order of 23rd July 2018.
10. The Tribunal has reviewed the lease terms of the specimen lease supplied by the Applicants. At clause (1) of the lease the tenant is required to pay an annual ground rent of £100 increasing to £300 through the lease term. The prescriptive valuation method specified in the 1993 Act includes compensation for such sums due to the freeholder under the lease terms. Any compensation due will be included within the fixed sum calculated at the statutory valuation date of 17th December 2017.
11. The leaseholders are not required to any pay service charges under the lease.
12. In the papers supplied to the Tribunal there is no evidence of further sums payable to the freeholder as part of the collective enfranchisement.

13. Accordingly, the Tribunal determines that the premium to be paid in respect of the collective enfranchisement of 30 and 30A Eastern Road, London N2 9LA is **£26,500**. In accordance with the Court Order the agreed costs of the enfranchisement amounting to **£5,244** can be set off against this sum.
14. The Tribunal also approves the draft transfer which has been submitted by the Applicant, subject to the inclusion in box 8 that the consideration (the premium of £26,500 less agreed costs) has been paid into Court.
15. This matter should now be returned to the County Court sitting at Barnet under Claim Number EOOBT390 in order for the final procedures to take place.

Name: Ian Holdsworth
Valuer Chairman

Date: 24th July 2019

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

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.

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.

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.

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.

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