



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

Case Reference : KA/LON/OOAK/ORL/2019/0342

Property : Flat 36 Regal Court, College Close, Edmonton,
London N18 2XU

Applicant : Omar Ali

Representative : Ranson Houghton LLP Solicitors

Respondent : Englander Company Limited

Representative : Rice-Jones & Smith (Solicitors)

Type of Application : Enfranchisement

Tribunal Members: Judge Robert Latham
Mr Richard Shaw FRICS

**Date and venue of
Hearing** : Paper determination on 25 June 2019 at
Alfred Place, London WC1E 7LR

Date of Decision : 25 June 2019

DECISION

The application is dismissed as the applicant no longer has a statutory right to a new lease.

Reasons for Decision

1. The Applicant is claiming the right to acquire a new lease of his flat, namely Flat 36 Regal Court, College Close, Edmonton, London N18 2XU (“the flat”) pursuant to the provisions of the Leasehold Reform, Housing and Urban Development Act 1993 (“the Act”).
2. On 18 July 2018, the applicant served their tenant’s Notice of Claim to exercise his right to acquire his new lease pursuant to section 42 of the Act. On 13 September 2018, the respondent served its Counter-notice.
3. On 14 March 2019, the applicant issued his application to this Tribunal pursuant to section 48(1) of the Act. On 22 March, the respondent wrote to the tribunal contending that the Tribunal had no jurisdiction as the application had been issued out of time. On 20 May, the Tribunal notified the parties that this would be determined as a preliminary hearing on 25 June.
4. On 28 May, the Tribunal raised a new issue. On 2 May 2019, the applicant had served a further section 42 Notice. On 3 May 2019, the applicant assigned its leasehold interest to Fast Homes UK Limited. On 10 May 2019, this assignment was registered with the Land Registry. The applicant assigned the Notice of Claim dated, 2 May 2019, but not the original Notice of Claim, dated 18 July 2018. The respondent contended that as there was no assignment of the original Notice of Claim, this notice was withdrawn. Alternatively, there was a deemed withdrawal.
5. On 4 June, the Tribunal wrote to the applicant directing him to provide his comments on the respondent’s letter by 10 June. The parties were notified that if there remained a dispute as to whether there was a valid application, this would be determined on 25 June. The applicant failed to respond.
6. In a letter received by the Tribunal on 14 June, the respondent stated that it no longer contends that this application was made out of time. However, it asks the Tribunal to dismiss the application on the ground that the applicant has assigned his interest and no longer has a right to a new lease.
7. On 19 June, the Tribunal directed the applicant to file and serve his defence to the letter dated 28 May by no later than 24 June. The applicant has failed to respond.
8. The Tribunal is satisfied that the applicant assigned his leasehold interest in the flat on 3 May 2019. He did not assign the benefit of the Notice of Claim, dated 18 July 2019. He currently has no right to a new lease. The Tribunal therefore dismisses his application.

Judge Robert Latham
25 June 2019

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.