



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

Case reference : **CAM/34UF/LVT/2020/0001**

Property : **St Crispin Retirement Village, St Crispin Drive, Northampton, NN54RA**

Applicant : **Midland Heart Limited**

Respondent : **Leaseholders detailed in the application**

Date of Decision : **5th August 2020**

DETERMINATION

Order

1. The leases are varied in accordance with the draft at page 8 of the application. The Applicant shall serve a copy of this decision on all of the leaseholders detailed in the application within 28 days of receipt of this order and shall notify the Tribunal that they have done so.

Reasons

2. The Applicant seeks to vary 107 leases in respect of blocks 1,2 and 3 of St Crispin Retirement Village. The variation is sought pursuant to section 37 of the Landlord and Tenant Act 1987.
3. There is an error in the plans to the properties which have been incorrectly labelled. The floor plans entitled Plan B are incorrectly labelled so that the Ground Floor is referred to as Lower Ground, the First Floor is referred to as the Upper Ground Floor, the Second Floor has been referred to as the First Floor, the Third Floor is referred to as the Second Floor and the Fourth floor was incorrectly labelled the Third Floor.
4. The Land Registry has approved revised plans however in order to utilise them the plans in the Leases for all existing registered leases in Blocks 1,2 and 3 in the Retirement Village need to be amended.
5. There are 107 current leaseholders in Blocks 1,2 and 3. Of these 90 have consented to the application and 4 have abstained. There are no objections to the application. Accordingly 84.11% of leaseholders consent to the variation. There are 13 empty properties which will need the benefit of the amended lease.
6. The Tribunal is satisfied that the object to be achieved by the variation cannot be satisfactorily achieved unless all the leases are varied to the same effect (s.37(3) LTA 1987). The variation sought will not prejudice anyone and it is a reasonable variation (s.38 (6)). No compensation is payable (s.38(10)).

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).

Judge Shepherd

August 2020