



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

Case Reference : **MAN/00BL/OAF/2019/0014**

Property : **153, Tempest Road, Lostock, Bolton BL6 4EP**

Applicant : **Christine Wilkinson**

Respondents : **The Most Noble Edward William, Duke of Norfolk
Lord Gerald Bernard Fitzalan-Howard
and The Norfolk Trustees Limited**

Type of Application : **Leasehold enfranchisement**

Tribunal Members : **Mr J R Rimmer
Ms S D Latham**

Date of Decision : **22 June 2020**

Order : **The price payable for the freehold of the Property is £41.00 to which may be added the reasonable conveyancing costs of the Respondents**

A. Application and background

- 1 The Applicant is the leasehold owner of the property situate at and known as 153, Tempest Road, Lostock, Bolton. The Respondents are the owner the freehold interest in the property whose title is registered at HM Land Registry.
- 2 The Applicant purchased the property in 2004 and now seeks to acquire the freehold title under the provisions of Sections 22(1)(a) and 22(2)(a) Leasehold Reform Act 1967.
- 3 A notice under Part 1 of the Act setting out the Applicant's intention to purchase the freehold was sent to each of the Respondents on 27th September 2018 at the appropriate address. A further copy was supplied to the Respondents' agent. Although there is an email acknowledging the letter no further reference to the process appears to be made by any of the Respondents, nor by the agent.
- 4 Application has therefore been made to the Tribunal, dated 3rd June 2019, to set the price payable by the Applicant and the terms of the appropriate conveyance of the subject property into her name.
- 5 Directions as to the future conduct of the matter before this Tribunal were given by the Deputy Regional Valuer on 14th and these have been complied with by the Applicant, there still being no engagement with the process by, or on behalf of, the Respondents. In the absence of a request by any party for a hearing the matter was considered suitable to proceed to a determination without a hearing. No such request was made.
- 6 In compliance with the temporary arrangements in place for matters to progress during the Covid-19 pandemic the Tribunal did not inspect the subject property, but was able to make sufficient electronic enquiries to satisfy itself that the property was a dwelling house on a well-established suburban roadway
- 7 It is currently held by the Applicant under the terms of two leases. The first is dated 15th November 1900 and granted for a period of 999 years from 1st November 1900 between The Right Honourable Mary Ethel Baroness Beaumont and Thomas Enoch Fairhurst (1) and George Cranston (2). The second is one dated 1st September 1913 for a period of 986 years from 1st November 1900 between The Right Honourable Mary Ethel Baroness Beaumont (1) and Joseph Bradley (2). Although a copy of the first lease was provided to the Tribunal no copy of the second is available.

The Tribunal takes the view that as they have clearly been granted for co-terminous terms it will likely be the case that their terms are identical. There is certainly nothing before the Tribunal to suggest otherwise.

- 8 The rent under the first lease was originally £5 3/6d, but this was apportioned into 2 equal halves by a deed of apportionment in 1904 so as to leave a rent of £2 11/9d. The rent under the second lease was £1 10s. These rents have decimalised to £2.59 and £1.50 respectively
- 9 The purchase price payable is set out in section 9(1) Leasehold Reform Act 1967 as being the price payable on a conveyance of the house, subject to the existing lease, on the open market by a willing seller, subject to certain statutory assumptions contained within that section.
- 10 Two valuations were obtained on behalf of the Applicant from a Chartered Surveyor, Philip Gibbs. He explains at some length the assumptions that he makes in relation to such low value rents in respect of leases that have approximately 880 years to run at the time the Act sets as the date of the valuation. It is no more, nor less, than the amount a purchaser would pay for two ground rents of a total value of £4.09. The combined value of the two rents according to his calculations is £41.00, using a deferment rate of 5%. No alternative valuation was put forward.
- 11 The lease contains no provisions that might impact upon the market value for the purposes of the valuation under the Act
- 12 The Tribunal therefore determines that the price payable under Section 9(1) Leasehold Reform Act 1967 for the freehold interest in 153, Tempest Road, Bolton shall be £41.00. The Applicant is reminded that there will still be the additional conveyancing and Land Registry costs of the Respondents to be met.

JUDGE J R RIMMER

