



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

Case reference : **LON/OOAP/OLR/2021/0432**

Property : **97 Mattison Road,London N41BQ**

Applicant : **Helen Katrine Emerson**

Representative : **Thirsk Winton LLP**

Respondent : **Demetrios Geogiou (Missing)**

Representative : **NA**

Type of application : **Section 50 and 51 of the Leasehold Reform, Housing and Urban Development Act 1993**

Tribunal members : **Judge Shepherd
Kevin Ridgeway MRICS**

Date of determination and venue : **at
10 Alfred Place, London WC1E 7LR on
the papers**

Date of decision : **13th July 2021**

DECISION as amended under Rule34 (5) and (6) of the 2011 Regulations

Summary of the tribunal's decision

The appropriate premium payable for the new lease is **£34300**. The terms of the draft lease submitted to the Tribunal are approved.

Background

1. This is an application made by the applicant leaseholder pursuant to section 50 and 51 of the Leasehold Reform, Housing and Urban Development Act 1993 (“the Act”) for a determination of the premium to be paid for the grant of a new lease of **97 Mattison Road, London N41BQ** (the “property”).
2. On 30th March 2021 DDJ Hocking at Central London County Court made an order pursuant to s. 50 of the Act to the effect that the Applicant was entitled to a new lease. The freeholder landlord is missing. The case was transferred to the Tribunal to determine the value of the new lease.

The property

3. The property comprises a two bedroom first floor flat.
4. The Tribunal did not inspect the property. Limited assistance was provided by some rather poor photographs in the report of the expert value employed by the Applicant, Richard Murphy. The Tribunal are familiar with the location which is increasingly a sought after part of London. It lies to the West of Green Lanes on the “Haringey Ladder”. Green Lanes like many parts of London is being gradually gentrified as a younger more affluent population moves in.

The tribunal’s determination

5. The tribunal determines that the value of the new leasehold at the date of the application was £34300.

Reasons for the tribunal’s determination

6. The right to a new lease is conferred by Ch 2 of Pt 1 of the 1993 Act. By exercising the right the tenant acquires a new lease of the flat in substitution for his or her existing lease for a term expiring 90 years after the term date at a peppercorn rent (s.56(1)). The tenant pays a premium which compensates the landlord for the loss of the remainder of the term. In the present case the landlord is missing and the procedure pursuant to ss50 and 51 of the Act has been followed.
7. The premium for the new lease is calculated in accordance with Sch 13, para 2 of the Act and is the aggregate of the following figures :
 - (a) The diminution in value of the landlord's interest in the flat;
 - (b) The landlord's share of the marriage value;
 - (c) Any amount of compensation payable.
8. The calculation carried out by Mr Murphy appears broadly sound. However, having considered his comparable evidence along with other comparables available, the Tribunal preferred a higher long leasehold valuation of £415,000. This results in a slightly higher Premium of £34,300. A calculation carried out by the Tribunal is attached as a schedule to this determination.

The premium

9. The tribunal determines the appropriate premium to be **£34300** A copy of its valuation calculation is annexed to this decision. The terms of the draft lease submitted to the Tribunal are approved.

Name: Judge Shepherd

Date: 21st July 2021

Appendix: Valuation setting out the tribunal's calculations

Valuation for lease extension

Flat 5, 40 Birkbeck Road, London, W3 6BQ

Valuation Date	23/12/2019		
Lease Commencement	29/09/1984		
Lease Term	99.00	years	
Expiry Date	28/09/2083		
Unexpired Term	63.77	years	
Long Lease value	£400,000		
Freehold VP value	£404,000	+1% long lease value	
	Term 1	Term 2	Term 3
Ground rent	£200.00	£300.00	£0.00
Reversion years	30.77	33.00	0.00
Capitalisation rate	7%		
Deferment rate	5%		
Compensation	£0.00		
Relativity	85.50%		

Diminution of Landlord's interest

Ground rent					£200	
YP	30.77	yrs @	7.00%		<u>12.50430742</u>	£2,501
Rent Review 1					£300	
YP	33.00	yrs @	7.00%		12.75379002	
PV of £1	30.77	yrs @	7.00%		<u>0.12469848</u>	£477
Rent Review2					£0	
YP	0.00	yrs @	7.00%		0	
PV of £1	63.77	yrs @	7.00%		<u>0.013372004</u>	£0
Reversion to VP value					£404,000	
PV	63.77	yrs @	5.00%		<u>0.04454084</u>	£17,994
Value existing freehold						<u>£20,972</u>

FH VP					£404,000	
PV	153.77	yrs @	5.00%		<u>0.00055172</u>	
						<u>-£223</u>
						£20,750

Val. Tenant's interest new long lease Val. l/lord's interest after reversion of new lease					£400,000	
					£223	
					<u>£400,223</u>	
Less						
Val. l/lord's interest existing lease	Relativity	85.50%		£345,420		
Val. tenant's interest existing lease				<u>£20,972</u>		
					<u>£366,392</u>	
					<u>£33,830</u>	
Marriage Value at Compensation	50%					£16,915 £0
PREMIUM SAY						£37,665 £37,660

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).

CASE REFERENCE LON/00AC/OLR/2014/0106

**First-tier Tribunal
Property Chamber (Residential Property)**

**Valuation under Schedule 13 of the Leasehold Reform Housing and
Urban Development Act 1993**

Premium payable for an extended leasehold Interest in [Property]

Valuation date: [Date]