



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

**Case reference** : **LON/OOAP/OLR/2021/0973**

**Property** : **Ground Floor Flat 60 Stanmore Road,  
Tottenham, N15 3PS**

**Applicants** : **Jonathan Wilson and Ingrid  
Chellembro**

**Representative** : **Tolhurst Fisher LLP**

**Respondent** : **Noel Clarke (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** : **12<sup>th</sup> January 2022**

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**DECISION**

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**Summary of the tribunal's decision**

The appropriate premium payable for the new lease is **£38060**.

**Background**

1. This is an application made by the applicant leaseholders 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 **Ground floor flat 60 Stanmore Road, Tottenham, N153PS** (the “premises”).
2. On 1<sup>st</sup> November 2021 DDJ Lucarotti at Edmonton 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 and terms of the new lease.

### **The property**

3. The property comprises a one bedroom ground floor flat.
4. The Tribunal are familiar with the location which is increasingly a sought after part of London. It lies to the East of Green Lanes near Downhills Park. 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 £38060.

### **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 by Mike Stapleton FRICS is broadly acceptable but The Tribunal has reflected a one percent increase in value of the freehold vacant possession value over the long leasehold value, which is in line with common practice.
9. A calculation carried out by the Tribunal is attached as a schedule to this determination.

### **The premium**

10. The tribunal determines the appropriate premium to be **£38060** A copy of its valuation calculation is annexed to this decision.

**Name:** Judge Shepherd

**Date:** 12<sup>th</sup> January 2022

### **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]**

**Appendix**: Valuation setting out the tribunal's calculations

Valuation for lease extension

60 Stanmore Road

Valuation Date	26/05/2021			
Lease Commencement	25/03/1989			
Lease Term	99.00	years	Expiry Date	24/03/2088
Unexpired Term	66.83	years		
Long Lease value	£338,000			
Freehold VP value	£341,380	+1% long lease value		
Ground rent	Term 1 £100.00	Term 2 £150.00	Term 3 £200.00	
Reversion years	0.83	33.00	34.00	
Capitalisation rate	6%			
Deferment rate	5%			
Compensation	£0.00			
Relativity	82.41%			

Diminution of Landlord's interest

Ground rent				£100
YP	0.83	yrs @	6.00%	0.786872038
				£79
Rent Review 1				£150
YP	33.00	yrs @	6.00%	14.23022961
PV of £1	0.83	yrs @	6.00%	0.952787678
				£2,034
Rent Review2				£200

YP	34.00	yrs @	6.00%	14.36814114	
PV of £1	33.83	yrs @	6.00%	0.139284432	
					£400
Reversion to VP value				£341,380	
PV	66.83	yrs @	5.00%	0.03836358	
					£13,097
Value existing freehold					£15,609
L/lord's interest on reversion of new lease					
FH VP				£341,380	
PV	156.83	yrs @	5.00%	0.00047521	
					-£162
					£15,447

Landlord's share of Marriage Value

Val. Tenant's interest new long lease				£338,000	
Val. l/lord's interest after reversion of new lease				£162	
				£338,162	
Less					
Val. tenant's interest existing lease	Relativity	82.41%	£281,331		
Val. l/lord's interest existing lease			£15,609		
				£296,941	
				£41,222	
Marriage Value at	50%				£20,611
Compensation					£0
PREMIUM					£36,058
					Say
<b>£36,060</b>					