



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

Case Reference : CHI/00HE/OAF/2021/0021

Property : Trevellan, Launceston, PL15 8HU

Applicant : Nicholas Christopher Wade

Representative : Parnalls Solicitors

Respondent : Unknown

Type of Application : Section 27 Leasehold Reform Act 1967
(Missing Landlord)

Tribunal Member(s) : D Banfield FRICS
Regional Surveyor

Date of Decision : 5 October 2021

DECISION

The Tribunal determines that the price to be paid for the freehold interest is £32.00

The Tribunal determines that the amount of unpaid pecuniary rent (if any) payable for the property up to the date of the proposed conveyance is nil.

Background

1. By an Order of Deputy District Judge Healey sitting at the County Court at Bodmin and dated 20 May 2021 the Tribunal is required to determine the price to be paid for the freehold interest.
2. The Tribunal made Directions on 2 August 2021 setting out the information required to enable it to make its determination and a bundle has now been received containing a valuation report from T M Davies FRICS dated 9 September 2021. An inspection of the property has not been made.

The Lease

3. The site is identified on the HM Land Registry plan edged red under title numbers CL322556 and CL322557 AV149587 and is held by way of a lease between Thomas Seccombe and John Rattenbury for a term of 512 years from 24 July 1691. There is no evidence of the amount of any rent reserved which for valuation purposes is assumed to be a peppercorn.
4. The Applicant indicates that no ground rent has been demanded or paid.

The Law

5. Section 27(5) of the Act provides:
The appropriate sum which in accordance with Section 27(3) of the Act to be paid in to Court is the aggregate of:
 - a. *Such amount as may be determined by (or on appeal from) the appropriate Tribunal to be the price payable in accordance with Section 9 above; and*
 - b. *The amount or estimated amount (as so determined) of any pecuniary rent payable for the house and premises up to the date of the Conveyance which remains unpaid.*
6. Section 9 of the Act sets out in detail the assumptions to be made and the procedure to be followed in carrying out the valuation. The effect of Section 27(1) is that the valuation date is the date on which the application was made to the Court.
7. There are various bases set out in Section 9 of the Act and the Tribunal determines that the appropriate basis is in Subsection 9(1) being that on 31 March 1990 the Rateable value of the house and premises was not above £500.

The Premises

8. The property comprises two dwellings; Trevellan, currently occupied by the Applicant and Dar Gwel let on an Assured Shorthold Tenancy.

9. Trevellan comprises a two storey four-bedroom house built in 1980 with 176 sq.m. of accommodation. Dar Gwel was built in 2018 and comprises a two storey three-bedroom house of 152 sq.m.

Evidence and Decision

10. In his valuation report Mr Davies has determined that the value for the purposes of Section 9 of The Act is £32.00.
11. Mr Davies made his determination on an open market value of the combined value of the properties of £640,000, a site value proportion of 30.00% (£192,000) a modern ground rent at 6% (£11,520) and a YP in perp at 5% deferred 182 years. This produced the rounded sum of £32.00.
12. Mr Davies bases his open market value on the sale of five houses in Launceston with values ranging between £300,000 and £400,000.
13. The Tribunal accepts Mr Davies' valuation as a fair reflection of the price and determines that the price to be paid for the freehold interest is £32.00
14. The Tribunal determines that the amount of unpaid pecuniary rent (if any) payable for the property up to the date of the proposed conveyance is nil.

D Banfield FRICS

5 October 2021

RIGHTS OF APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application by email to rpsouthern@justice.gov.uk to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28 day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.