



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

Case reference : **LON/00/00AP/OCE/2023/0028**

**HMCTS code
(paper, video,
audio)** : **P: PAPERREMOTE**

Property : **18 Bruce Grove, London N17 6RG**

Applicants : **(1) Mit Mazel Ltd
(2) Mohamed Khaleduzzaman Robban
(3) Rumen Ahmed Robban**

Representative :

Respondents : **(1) Mohamed Khaleduzzaman Robban
(2) Jana Krasimirova Doherty
(3) Richard Louis Doherty**

Representative : **N/A**

Type of application : **Premium to be paid and terms of
transfer of freehold**

**Tribunal
member(s)** : **Judge Tagliavini
Miss M Krisko FRICS**

Venue : **10 Alfred Place, London WC1E 7LR**

Date of decision : **16 May 2023**

DECISION

The tribunal's summary decisions

- (i) The tribunal determines the premium payable for the value of freehold interest of the subject property at 18 Bruce Gove, London N17 6RG ('the Property') is **£94,310 plus £100 for appurtenant land.**
- (ii) The tribunal determines the terms of the transfer of the freehold are adequately set out in the applicants' *draft/TR1*.

The application

1. By an Order dated 30 September 2022 of District Judge Davies sitting in the county court at Edmonton stated:
 1. *Service of a notice pursuant to s.13 of the Leasehold Reform, Housing and Urban Development Act 1993 ('the Act') shall be dispensed with.*
 2. *Pursuant to s.26(1) of the Act the interest of the Defendants in all that property known as 18 Bruce Grove, London N17 6RG including the building together with garden and other areas to the front and rear of the building all as registered at HM Registry with title number EGL403533 (together 'the Premises') are vested in the Second and Third Claimants on such terms and at such price to be determined in accordance with Chapter I of the Act by the First-tier Tribunal Property Chamber (Residential Property) ('the FTT')*

The applicants' case

2. In support of the application to determine the value of the freehold interest appropriate premium payable for a lease extension and the terms of transfer, the tribunal was provided with a bundle of 210 pages. This included the valuation report of Mr Andrew Cohen MRICS of Talbots Surveyors & Valuers dated 06/03/2023 in which he concluded the premium payable is £94,310 plus £100 in respect of Appurtenant Land.
3. In his report, Mr Cohen gave evidence of his experience at dealing with similar valuations and his obligation to the tribunal as an expert witness. The subject property is a Victorian three-storey centre-terraced house converted into three flats of varying sizes, one on each floor. Each flat is held on a lease for a term of 99-years from 25 March 1988 with 65.25 years remaining as at the valuation date. Ground rent

is £120 per annum per flat rising to £240 for the final 33 years of the term.

4. In his report, Mr Cohen adopted the following dates and figures:

Valuation date: 22 December 2021 being the date the application was made to the county court.

Capitalisation rate: 6% as doubling of ground rent for remaining thirty-three years would be attractive to the hypothetical third-party investor.

Value of each flat on a share of freehold basis:

Ground Floor Flat: £350,000

First Floor Flat: £320,000

Second Floor Flat: £280,000 (not participating)

In reaching these values, Mr Cohen relied upon a number of comparable properties in the same local area.

Deferment rate: 5% relying on *Earl Cadogan v Sportelli and another* [2008] UKHL 71

Relativity: 81.8% relying on average of Gerald Eve (2016) Graph and Savills Unenfranchiseable; *Deritend Investments (Birkdale) Ltd v Treskonova* [2020] UKUT 165 (LC)

Hope Value: £10% (nominal value only).

Value of appurtenant land:

£100 (includes part of the front garden and nominal value only).

Premium: £94,310 plus £100 for appurtenant land

The respondents' case

5. No evidence was received from any of the respondents by the tribunal

The tribunal's decision and reasons

6. In the absence of any objections or evidence to counter the report and opinion of Mr Cohen, the tribunal accepts his report as providing an adequate and reasonable valuation of the subject Property and calculation of the premium payable.
7. The tribunal finds Mr Cohen relied upon a reasonable selection of comparable properties at 15 Elm Court, 15-16 Bruce Grove, N17 6UU; 66a Bruce Grove, N17 6RN; 51 Bruce Castle Road, N17 8NL; 4b Linley Road, N17 6RP and 57 The Avenue, N17 6TB. The tribunal also accepted Mr Cohen's adoption of the other values set out above was appropriate and in accordance with current case law and found no reason to deviate from them.
8. Therefore, the tribunal accepts the premium payable for the value of the freehold interest in accordance with Schedule 6 of the Leasehold Reform, Housing & Urban Development Act 1993 is **£94,310 plus £100 for appurtenant land.**
9. The tribunal approves the terms of transfer of the freehold of the subject Property as set out in the *draft/TR1*.

Name: Judge Tagliavini

Date: 16 May 2023

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).