



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

**Case reference** : **LON/00AZ/OLR/2023/0230**

**Property** : **Ground Floor Flat, 66 Elsinore Road, London, SE23 2SL**

**Applicant** : **Ms Sharon Wheelan**

**Representative** : **Amphlett Lissimore Solicitors**

**Respondent** : **Eamon Parker**

**Representative** : **Not applicable (missing landlord)**

**Type of application** : **Application under sections 50 and 51 of the Leasehold Reform Housing and Urban Development Act 1993**

**Tribunal member** : **Ian B Holdsworth FRICS MCI Arb  
RICS Registered Valuer**

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

**Date of paper determination** : **30<sup>th</sup> May 2023**

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**DECISION**

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## **Decisions of the Tribunal**

- (1) The tribunal determines that the price to be paid by the applicant for the new lease on statutory terms is **£28,975.02**.

## **The Background**

1. This is an application under section 50 and 50(1) of the Leasehold Reform Housing and Urban Development Act 1993 (“**the 1993 Act**”) pursuant to an order made by Deputy District Judge Roots, sitting at the County Court at Bromley on 4<sup>th</sup> October 2022 (“**the order**”).
2. Sections 50 and 50(1) of the 1993 Act concerns claims for a statutory lease extension where the relevant landlord cannot be found. It enables the court to make a vesting order in respect of any interests of the landlord which are liable to acquisition.
3. Under section 51 of the 1993 Act, the role of the tribunal is to determine the appropriate sum to be paid into court in respect of the landlord’s interests.
4. The applicant in this matter is Ms Sharon Whelan. She is the qualifying tenant of Ground Floor Flat 66 Elsinore Road London SE23 2SL (“**the Property**”). The respondent freehold owner is Mr Eamon Parker.
5. On 26<sup>th</sup> November 2021, the applicant issued a Part 8 Claim at the County Court at Bromley for an order pursuant to section 50(1) of the 1993 Act seeking a new lease in the Property. The applicant has been unable to ascertain the whereabouts of the respondent.
6. The applicant subsequently applied for a vesting order under section 49(3) of the 1993 Act. The vesting order was granted subject to the determination of this tribunal. The order dispensed with the statutory requirement to serve a section 42 notice on the Defendant.
7. The applicant has provided the tribunal with a valuation report prepared by Mr Jonathan F Dean MA (Cantab) MRICS dated 4<sup>th</sup> May 2023.
8. Mr Dean is of the view that the premium to be paid for the statutory lease extension is £34,036 as at the valuation date of 26<sup>th</sup> November 2021.

## **The Determination**

9. After careful scrutiny the tribunal accepts the opinions expressed by Mr Dean in his valuation report dated 4<sup>th</sup> May 2023.

10. The tribunal is advised at (5) of the order that the summarily assessed costs of this claim are £5,060.98. This sum to be deducted from the premium payable to the court.
11. Accordingly, the tribunal determines that the premium to be paid in respect of the new lease is £34,036 less the summarily assessed costs of £5,060.98. This amounts to a sum of **£28,975.02**.
12. The Tribunal also approves the draft proposed lease included in the bundle at {pp.96-104} subject to the inclusion at LR7 {pp97} of **£28,975.02** and that these monies are paid into court.
13. This matter should now be returned to the County Court sitting at Bromley under Claim Number **H01BR544** in order for the final procedures to take place.

Ian B Holdsworth Valuer Chairman

30<sup>th</sup> May 2023