



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

Case reference : **LON/00AP/OCE/2023/0024**

Property : **134 Stapleton Hall Road, London
N4 4QB**

HMCTS Code : **P: PAPER REMOTE**

Applicant : **134 Stapleton Limited**

Representative : **Brethertons, solicitors
(ref: RAH/ERB/218436-00002)**

Respondent : **Mr Jonathan Samuel Tebbs
(prison number A6997CY)**

Representative : **In person**

Type of application : **Application for determination of
terms of conveyance - Section
25(6) and Schedule 5 paragraph 2
of the Leasehold Reform, Housing
and Urban Development Act 1993**

Tribunal members : **Judge Robert Latham
Sarah Redmond BSc MRICS**

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

Date of decision : **18 July 2023**

DECISION

Decision of the Tribunal

(i) The Tribunal approves the draft TR1 which has been submitted by the Applicant.

Description of Hearing

This has been a hearing on the papers (“P:PAPER REMOTE”) as specified in the Directions. The sole issue for this Tribunal to determine is the form of the transfer. The Applicant has provided a draft TR1.

Decision

1. On 21 November 2019, Christopher Edwards (Flat D), David Ashby and Helen Ashby (Flat A) served an Initial Notice pursuant to section 13 of the Leasehold Reform, Housing and Urban Development Act 1993 (‘the Act’) to acquire the freehold of 134 Stapleton Hall Road, London, N4 (‘the Property’). The qualifying tenants proposed a premium of £132,700. The Applicant is their nominee purchaser. The freehold interest is held jointly by Jonathan Tebbs, Christopher Edwards, David Ashby and Helen Ashby. No counternotice was served.
2. Due to Mr Tebbs, the Respondent, serving a prison sentence for murder, he has been unable to manage the Property. The Applicant therefore made a claim to the County Court pursuant to section 25 of the Act.
3. On 16 June 2021, the County Court (District Judge Lightman) determined that the Applicant was entitled to acquire the freehold of the Property pursuant to section 25(1) of the Act in accordance with the proposals made in the Initial Notice.
4. On 10 November 2022, the County Court (His Honour Judge Raeside KC) dismissed the Respondent’s application to set aside Judge Lightman’s determination and made a vesting order to give effect to that entitlement, pursuant to section 25(6) of the Act. In so doing, Judge Raeside directed that the form of transfer (the conveyance) be decided by the Tribunal, pursuant to section 25(6)(b) and schedule 5 of the Act.
5. On 31 January 2023, the Tribunal received an application in the form of a letter to the Tribunal seeking the Tribunal’s determination of the terms of the TR1 transfer form. There being no application form for a Schedule 5 order, that letter together with the accompanying bundle of documents was confirmed to be the Applicant’s formal application.
6. On 15 February 2023, the Tribunal gave Directions. On the same day, the Tribunal sent a copy of the application, the supporting bundle and the directions to the Respondent.
7. The Procedural Judge stayed the application pending a determination of the costs in the County Court. Costs have been assessed in the sum of £12,000 (16 June 2021), £29,389.17 (10 November 2022) and £3,372 (6 March 2023). These now total £44,761.17.
8. On 24 May 2023, the Applicant provided an amended TR1. This addressed a number of concerns which had been raised by the

Procedural Judge. The one area where the proposed amendment was not accepted relates to Box 8. The Respondent is entitled to one third of the premium of £132,700, namely £44,233.33. As the cost now exceed this sum, the Applicant proposes that a nominal sum of £1 is paid into Court. The Tribunal approves this.

9. On 6 June 2023, the Tribunal sent the Respondent a copy of the revised draft TR1 together with copies of the Applicant's letter, dated 24 May 2023, and the Court Order of 6 March 2023. The Respondent was invited to comment on the terms of the proposed TR1. He has not made any representations.
10. The Tribunal approves the terms of the draft TR1 which has now been submitted by the Applicant. This addresses the concerns raised by the Procedural Judge, save for Box 8 which is discussed above.

Judge Robert Latham
18 July 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 **by e-mail** 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).