



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

Case reference : **VG/LON/OOAU/OAF/2023/0009
(1)**

Property : **90 Kingsdown Road, London,
N19 4HH**

Applicant : **Ms Bronwen Jane Whitaker**

Representative : **Oldschool & Co solicitors**

Respondent : **Unknown**

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

Type of application : **Application under sections 21(1)
and 27(5) of the Leasehold
Reform Act 1967 (“the 1967 Act”)**

Tribunal members : **Ian B Holdsworth FRICS
RICS Registered Valuer**

Venue : **Remote**

**Date of paper
determination** : **January 17 2024**

DECISION

Decisions of the Tribunal

- (1) The tribunal determines that the price to be paid by the applicant for the purchase of the freehold on statutory terms is **£876**.

The Background

1. This is an application under section 21 (1) (a) of the 1967 Act pursuant to an order made by Judge Bell sitting at the County Court at Clerkenwell and Shoreditch on 6 September 2023 (“**the order**”).
2. Sections 21(1) and 27(5) of the 1967 Act concerns claims for the purchase of the reversionary freehold interest 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 27(5)(a) of the 1967 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 Bronwen Jane Whitaker . She is the qualifying tenant of **90 Kingsdown Road, London, N19 4HH** (“**the Property**”) with a long tenancy within the meaning of section 3(1) of the 1967 Act. The respondent freehold owners are unknown.
5. On 30 August 2022, the applicant made a Part 8 Claim at Clerkenwell and Shoreditch County Court for an order pursuant to section 21(1) of the 1967 Act seeking the freehold of the Property. The issue date is shown as 23 September 2022.
6. The applicant has been unable to ascertain the whereabouts of the respondent. The applicant subsequently applied for a vesting order under section 27(1) of the 1967 Act. The vesting order was granted subject to the determination of this tribunal.
7. The applicant has provided the tribunal with a valuation report prepared by Mr Tim Harrison FRICS IRRV (Hons), a Chartered Surveyor with Lester Harrison & Partners and Consultant to Talbot Scott, Chartered Surveyors dated 5 January 2024.
8. Mr Tim J L Harrison is of the view that the premium to be paid for the freehold is £791 as at the valuation date of 23 September 2022.

The Determination

9. After careful scrutiny the tribunal accepts the opinions expressed by Mr T J L Harrison in his valuation report dated 5 January 2024 save that:
 - (i) The tribunal is not persuaded the annual ground rent charge is £3.05 as expressed at paragraph 2.7 of the report. No evidence is offered to substitute this

opinion and tribunal adopts the higher sum of £7.50 per annum in accordance with the short lease details given in the report at paragraph 8.3. The tribunal confirm the lease commencement date is 25 December 1850 for a term of 300 years.

(ii) The tribunal adopt a lower capitalisation rate of 6.5% for the current rent passing than proposed by the Expert. This is in accordance with the guidance offered in the decision *Nicholson and others v Goff 2007 EGLR 83*.

10. An adjusted calculation that adopts the revised parameters listed in (i)-(ii) results in a freehold purchase premium of **£876**. A copy of the tribunal's valuation is attached to this decision.
11. Accordingly, the tribunal determines that the premium to be paid in respect of the purchase of the freehold of the property is **£876**. This sum is determined after review of the proposed TP1 at page 26 of the bundle in accordance with the terms of the order.
12. This matter should now be returned to the Clerkenwell and Shoreditch County Court under Claim Number **Jo1EC472** in order for the final procedures to take place.

Ian B Holdsworth Valuer Chairman

Date: 17 January 2024

Appendix A : Premium Valuation

Tribunal valuation				
Property:	90 Kingdown Road London N19 4HH			
Lease Data				
Lease Term:				
Lease Expiry date:	24/12/2150			
Length of Term:	300 Years			
Valuation date	23/09/2022			
Unexpired term as at valuation date:	128.25 Years			
Standing House Reversion	178.25 Years			
Rent receivable by landlord :				
Payable from valuation date for 128.25 years	£	7.50		
Rates:				
Capitalisation rate (%)		6.50		
Deferment rate (%)		4.75		
Decapitalisation rate (%)		4.75		
Values				
Entirety Value	£	580,000		
Standing House Value	£	580,000		
Term 1				
Ground rent payable	£	7.50		
YP @ years @ 6.5%		15.38014	£	115
Total term value			£	115
First Reversion				
Section 15 Ground Rent				
Entirety value		£	580,000	
Site apportionment at 45% of Entirety value	45.0%	£	261,000	
Decapitalisation rate at 4.75%	4.75%	£	12,398	
YP @ 50 years @ 4.75%		18.98437		
Deferred @ 128.25 years @ 4.75%		0.00260		
Years Purchase		0.0494		
First Reversion value			£	612
Standing House Value in current condition			£	580,000
Deferred @ 178.25 years @ 4.75%		0.00026		
Second reversion value			£	148
			£	148
Freehold Purchase Premium				£ 876
Notes:				
1. The price for freehold is calculated in accordance with the Leasehold Reform Act 1967 S9 as amended.				
Section 9(1) valuation basis in accordance with RV less than £1000 as at March 1990.				
Final				

RIGHTS OF APPEAL

1. 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.
2. 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.
3. 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.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates (ie, 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.