



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

Tribunal Case Reference : **MM/LON/00AU/OCE/2023/0137**

Property : **93 Petherton Road, London N5 2QT**

Applicant : **93 Petherton Road (Freehold) Company Limited**

Representative : **Mayo Wynne Baxter LLP**

Respondent : **Assethold Limited**

Type of application : **Application to determine the terms of a Collective Enfranchisement**

Tribunal : **Judge Sheftel
Mr A Harris LLM FRICS FCI Arb**

Date of Directions : **13 March 2024**

DECISION

1. The Applicant served an Initial Notice under section 13 of the Leasehold Reform, Housing and Urban Development Act 1993 on 1 August 2022 and the Respondent served a Counter Notice on 4 October 2022.
2. Although the terms of acquisition, including the premium, were agreed, the Respondent failed to complete the transfer. The Applicant issued a claim in the County Court. By an Order dated 3 October 2023, District Judge Swan transferred the case to the Tribunal.
3. On 8 November 2023, the tribunal gave directions for the approval of the terms of transfer and the matter was listed for hearing on 12 March 2024. The applicant duly provided a bundle comprising 268 pages, including a draft TR1 transfer.
4. At the hearing, which took place by remote video conferencing, the Applicant was represented by Paul Rooke, solicitor for the Applicant. There was no attendance on behalf of the Respondent and the

Respondent has not participated in these proceedings save for an email to the tribunal dated 27 February 2024 stating “*We are not sure what there is to determine. The premium and costs have been agreed*”.

5. Accordingly, the form and content of the transfer as submitted with the application, a copy of which is annexed to this Decision, are approved, save that provision is included to allow for the possibility of execution by an officer of the court should the Respondent continue to fail to execute the transfer, although it is hoped that this can be avoided.
6. The matter is returned to the County Court to deal with any consequential matters including in relation to the execution of the transfer and the Applicant’s claim for costs.

Judge Sheftel

Date: 13 March 2024

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 should be made on Form RP PTA available at <https://www.gov.uk/government/publications/form-rp-pta-application-for-permission-to-appeal-a-decision-to-the-upper-tribunal-lands-chamber>

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).

Annex – approved TR1