



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

Case reference : **SR/LON/00AY/OCE/2024/0619**

Property : **101 & 101A Casewick Road London
SE27 0TA**

Applicants : **Ruth Diana Stevens
Yann Hirsig and Rika Hirsig**

Representative : **Russell Cooke LLP**

Respondent : **Lois Anne Thomas and David John East**

Representative : **Not applicable – missing landlord**

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

Tribunal members : **Mr I B Holdsworth FRICS
RICS Registered Valuer**

Venue : **Remote**

**Date of paper
determination** : **18 March 2025
Corrected March 24 2025**

Corrected in accordance with Rule 50 Tribunal Procedure (First Tier Tribunal) (Property Chamber) Rules (2013)

DECISION

Decisions of the Tribunal

- (1) The Tribunal determines the price to be paid by the applicants for the purchase of the freehold interest is **£16,136**.
- (2) The terms of the draft lease are provided for in paragraph 13 below.

The background

1. This is an application pursuant to a vesting order made by District Judge Bishop at the County Court Croydon on 12 September 2024 under section 26 of the Leasehold Reform Housing and Urban Development Act 1993 (“**the 1993 Act**”).
2. Section 26(1) of the 1993 Act concerns claims for collective enfranchisement where the relevant landlord cannot be found or fails to engage with the enfranchisement process. 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 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 applicants in this matter are the qualifying tenants of the ground floor **flat 101** Casewick Road, Ruth Diana Stevens and the qualifying tenants of the first and second floor flat **101A Casewick Road**, Yann Hirsig and Rika Tanabe Hirsig. The two flats together with appurtenant land constitute 101 Casewick Road London SE27 0TA (“**the Property**”).
5. On 31 January 2023, the Claimants applied for a section 13 notice to be registered with the Public Trustee in respect of David John East and Lois Anne Thomas. The Section 13 notice stipulated (a) the rights to be acquired (b) the grounds of the claim and (c) the price of £12,000 to purchase the Freehold Proper.
6. On 2 January 2024, the applicants issued a Part 8 Claim in the County Court at Wandsworth for an order pursuant to section 26(1) of the 1993 Act vesting the freehold interest in the Property in the applicants. The applicants have been unable to ascertain the whereabouts of the respondent freeholders and were, therefore, unable to serve a notice on them pursuant to Section 13 of the 1993 Act.
7. The applicant has provided the tribunal with a valuation report prepared by Mr Alexander Ingram Hill MA MRICS dated 12 December 2024. The valuation date adopted for his report is 31 January 2023.
8. Mr Alex Hill is of the view the premium payable for the freehold is £15,136.
9. Comparable sales' transaction evidence is provided in the submitted valuation report to support his opinion of freehold purchase value. The extent and condition of the original demise is also described.
10. The tribunal has relied upon their knowledge and experience of the property market in the locality in making this determination. They have also had regard for recent and relevant Upper Tribunal decisions.

The determination

11. The tribunal accepts the opinions expressed by Mr Ingram-Hill in his valuation report dated 12 December 2024 , save that the Expert fails to include any sum for the appurtenant property taken by the applicants on enfranchisement.

There is a value in this interest to the freeholder which includes pathways and other common areas. The tribunal, in accordance with the 1993 Act provisions applies a value of £1,000 to the compensation payable for enfranchisement. A sum of £750 payable by the qualifying tenants of flat 101 and £250 by the tenants of flat 101a. The assessed value is based upon the previous experience and knowledge of similar appurtenant land transactions at enfranchisement.

12. The collective enfranchisement valuation calculation submitted by the Expert at page 54 of the bundle (Appendix 5) is accepted save for the additional £1,000 appurtenant property compensation. Accordingly, the tribunal determines that the premium to be paid in respect of the acquisition of the freehold of the property on statutory terms is **£16,136** less any summarily agreed costs.
13. The tribunal also approves the draft TR1 transfer included in the bundle at pp.101 -106 subject to:
 - the inclusion at **section 8** the sum **£16,136** less any summarily agreed costs as the sum payable for the freehold ; and
 - that a new transfer plan is prepared which is drawn to scale and complies in full with the current HMLR plan requirements. The current lease plans do not show clearly the rights of way and garden areas to be allocated to the enfranchised title.
14. This matter should now be returned to the County Court sitting at Croydon Court London under claim number **LoOCR013** for the final procedures to take place.

Valuer Chairman: Ian B Holdsworth FRICS

Date: ~~18 March 2025~~

Corrected 24 March 2024

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 (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.