FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case reference	:	**LON/00AG/OCE/2026/0092**
Property	:	**44 Aberdare Gardens, London, NW6 3QA**
Applicants	:	**(1) Emma Clare McClelland and Neil Daniel Koenig; Natasha Eve Mitchell and Dorothea Klara Erna Mitchell and the Personal Representatives of Christopher Benbow Mitchell; Yvonne Mitchell (2) FactKim Limited (01713876)**
Representative	:	**Mayo Wynne Baxter Solicitors**
Respondents	:	**Meditteranean Trading and Investment, Inc**
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	:	**Valuer Chairman Mr I B Holdsworth FRICS** RICS Registered Valuer
Venue	:	**Remote**
Date of paper determination	:	**8 September 2026**

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 **£69,400.**

(2) The terms of the draft transfer are provided for in paragraph 13 below.

The background

1. This is an application pursuant to a vesting order made by District Judge Rozario at the County Court Willesden on 23 April 2025 under section 26 of the Leasehold Reform Housing and Urban Development Act 1993 ("**the 1993 Act**"). This vesting order was amended following letter request from applicants representatives dated 11 May 2026.

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 first applicants in this matter are the qualifying tenants of the ground (No 44a), first(No 44b) and second floor flats (No 44c). The details of the first applicants are shown in the table below.

   Details of qualifying tenants

Flat	Parties	Term
Flat A (Ground Floor)	Emma Clare McClelland and Neil Daniel Koenig	125 years less 3 days
Flat B (First Floor)	Natasha Eve Mitchell, Dorothea Klara Erna Mitchell and the Personal Representatives of Christopher Benbow Mitchell	125 years less 3 days
Flat C (Second Floor)	Yvonne Mitchell	125 years less 3 days
Head Lease	FactKim Limited	125 years

5. The three flats and appurtenant land constitute 44 Aberdare Gardens, London, NW6 3QA ("**the Property**").

6. FactKim Limited is the second applicant to the vesting order and is the registered proprietor of a head lease of the Property. The tribunal are told that Ms Emma McCelland and Ms Natasha Eve Mitchell of the first applicants are directors and the company secretary of FactKim Limited and the three shares

in the company are held by each of the first applicants in accordance with their ownership of the flats in the Property.

7. On 24 February 2026, the first applicants issued a Part 8 Claim in the County Court at Willesden for an order pursuant to section 26(1) of the 1993 Act vesting the freehold interest in the Property in the first applicants. The first applicants have been unable to ascertain the whereabouts of the respondent freeholders or the second applicant and were, therefore, unable to serve a notice on them pursuant to Section 13 of the 1993 Act.

8. The applicant has provided the tribunal with a valuation report prepared by Ms Jenni Freeborn MRICS RICS Registered Valuer 5041605, of Lease Surveyors dated 6th August 2026. Ms Freeborn is of the view the total premium payable for the freehold is £66,400.

   The submitted valuation report provides an explanation and justification for her opinion of the premium sum payable for the enfranchisement. It includes comparable sales' transaction evidence with analysis to justify the capital values adopted for each dwelling. The Expert considers the likely financial outcome from the conversion of the three flats to a single freehold dwelling in her assessment of any premium payable. She calculates the compensation payable to the freeholder to offset loss of ground rent income and reversionary value in accordance with the statutory approach to the valuation.

9. 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. They accept the value of any tenant's improvements undertaken since commencement of the occupational leases should be disregarded in calculation of the premium. Any development value already seized by the qualifying leaseholders through the revisions to internal layouts and other changes to the flats would be compensable at the end of the existing term and is of a negligible value.

The determination

10. The tribunal accepts the opinions expressed by Ms Jenni Freeborn in her valuation report dated 6th August 2026, save that:

    (i) The tribunal are of the opinion the appurtenant property at the Property has some value. This is not reflected in the valuation premium sum. It is acknowledged the garden, and two parking spaces are demised to 44a and are reflected in the capital value of the flat. The Property comprises other appurtenant property. The statutory valuation approach does require any value arising from such property be compensated within the premium.

    (ii) The tribunal has relied upon the lease plans and pictures given in the Expert report at JLF/02 and bundle pages [201 240 242 274 275-276]. to identify the appurtenant areas. There are several discrete common areas shared by all flats as well as side and front footpaths which are shown as rights to specific dwellings. There is a value in these interests to the freeholder arising from pathways and other common areas. The tribunal, in accordance with the 1993 Act provisions applies a value of £3,000 to the compensation payable for enfranchisement to be equally divided between the three properties. The assessed value is based upon the previous experience and knowledge of similar appurtenant land transactions at enfranchisement.

11. The tribunal is advised at page 386 of the bundle that no sums are due to the freeholder pursuant to section 27(5) (b) of the 1993 Act.

12. 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 **£69,400** less any summarily agreed costs**.** The matter of Costs should be addressed to the court.

13. In accordance with the directions given in the order the tribunal has reviewed the draft TR1 transfer included in the bundle at pages 382-385 . It approves the draft TR1 transfer subject to:

(i) the inclusion at **section 8** the sum **£69,400** less summarily agreed costs as the sum payable for the freehold; and

(ii) The amendment of the text at **sections 11.1 and 12** to confirm the vesting order is made by the County Court and not the First Tier tribunal.

14. This matter should now be returned to the County Court sitting at Willesden Court under claim number **NOOW1454** for the final procedures to take place.

Valuer Chairman: Ian B Holdsworth FRICS

Date: 8 September 2026

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.

Property: 17 Lannhill Road London W9 2BS				
Flat 1: Lower Ground Floor				
Lease and Valuation Data				
Lease Term:	1/1/06			
Lease Expiry date:	12/31/30			
Unexpired term as at valuation date:	106.51	years		
Date of Valuation	6/27/24			
Rent receivable by landlord:				
Payable from valuation date for 6.51 years	£ 400			
Payable from review date for 25 years	£ 800			
Payable from review date for 25 years	£ 1,200			
Payable from review date for 25 years	£ 1,600			
Payable from review date for 106.51 years	£ 2,000			
Values				
Unimproved Long Leasehold Value	£ 580,000			
FHVP	£ 585,800			
Capitalisation rate (%)	**6.50**			
Deferment rate (%)	**5.00**			
Value of Freeholders present interest				
Term 1				
Ground rent payable	£ 400			
YP @ 6.51 years @ 6.5%	5.17426	£ 2,070		
Term 2				
Ground rent payable	£ 800			
YP @ 25 years @ 6.5%	12.19788			
Deferred for 6.51 years @ 6.5%	0.6637	£ 6,476		
Term 3				
Ground rent payable	£ 1,200			
YP @ 25 years @ 6.5%	12.19788			
Deferred for 31.51 years @ 6.5%	0.1375	£ 2,012		
Term 4				
Ground rent payable	£ 1,600			
YP @ 25 years @ 6.5%	12.19788			
Deferred for 56.51 years @ 6.5%	0.0285	£ 556		
Ground rent payable	£ 2,000			
YP @ 25 years @ 6.5%	12.19788			
Deferred for 81.51 years @ 6.5%	0.0059	£ 144		
Reversion				
Freehold value of flat	£ 585,800			
PV of £1 in 106.51 years at 5%	0.00554	£ 3,242		
Freeholders interest value			£ 14,500	
Price payable to Freeholder				
Value of freeholders current interest			£ 14,500	
Other compensation for loss incurred by freeholder				
Appurtenant property			£ -	
			Total	**£ 14,500**
			Say	**£ 14,500**

Property: 17 Lannhill Road London W9 2BS				
Flat 2: Ground Floor Flat				
Lease and Valuation Data				
Lease Term:	1/1/06			
Lease Expiry date:	12/31/30			
Unexpired term as at valuation date:	106.51	years		
Date of Valuation	6/27/24			
Rent receivable by landlord:				
Payable from valuation date for 6.51 years	£ 400			
Payable from review date for 25 years	£ 800			
Payable from review date for 25 years	£ 1,200			
Payable from review date for 25 years	£ 1,600			
Payable from review date for 106.51 years	£ 2,000			
Values				
Unimproved Long Leasehold Value	£ 480,048			
FHVP	£ 484,848			
Capitalisation rate (%)	**6.50**			
Deferment rate (%)	**5.00**			
Value of Freeholders present interest				
Term 1				
Ground rent payable	£ 400			
YP @ 6.51 years @ 6.5%	5.17426	£ 2,070		
Term 2				
Ground rent payable	£ 800			
YP @ 25 years @ 6.5%	12.19788			
Deferred for 6.51 years @ 6.5%	0.6637	£ 6,476		
Term 3				
Ground rent payable	£ 1,200			
YP @ 25 years @ 6.5%	12.19788			
Deferred for 31.51 years @ 6.5%	0.1375	£ 2,012		
Term 4				
Ground rent payable	£ 1,600			
YP @ 25 years @ 6.5%	12.19788			
Deferred for 56.51 years @ 6.5%	0.0285	£ 556		
Ground rent payable	£ 2,000			
YP @ 25 years @ 6.5%	12.19788			
Deferred for 81.51 years @ 6.5%	0.0059	£ 144		
Reversion				
Freehold value of flat	£ 484,848			
PV of £1 in 106.51 years at 5%	0.00554	£ 2,684		
Freeholders interest value			£ 13,942	
Price payable to Freeholder				
Value of freeholders current interest			£ 13,942	
Other compensation for loss incurred by freeholder				
Appurtenant property			£ -	
			Total	**£ 13,942**
			Say	**£ 13,940**

Property: 17 Lannhill Road London W9 2BS				
Flat 3: First Floor flat				
Lease and Valuation Data				
Lease Term:	1/1/06			
Lease Expiry date:	12/31/30			
Unexpired term as at valuation date:	106.51	years		
Date of Valuation	6/27/24			
Rent receivable by landlord:				
Payable from valuation date for 6.51 years	£ 400			
Payable from review date for 25 years	£ 800			
Payable from review date for 25 years	£ 1,200			
Payable from review date for 25 years	£ 1,600			
Payable from review date for 106.51 years	£ 2,000			
Values				
Unimproved Long Leasehold Value	£ 470,046			
FHVP	£ 474,746			
Capitalisation rate (%)	**6.50**			
Deferment rate (%)	**5.00**			
Value of Freeholders present interest				
Term 1				
Ground rent payable	£ 400			
YP @ 6.51 years @ 6.5%	5.17426	£ 2,070		
Term 2				
Ground rent payable	£ 800			
YP @ 25 years @ 6.5%	12.19788			
Deferred for 6.51 years @ 6.5%	0.6637	£ 6,476		
Term 3				
Ground rent payable	£ 1,200			
YP @ 25 years @ 6.5%	12.19788			
Deferred for 31.51 years @ 6.5%	0.1375	£ 2,012		
Term 4				
Ground rent payable	£ 1,600			
YP @ 25 years @ 6.5%	12.19788			
Deferred for 56.51 years @ 6.5%	0.0285	£ 556		
Ground rent payable	£ 2,000			
YP @ 25 years @ 6.5%	12.19788			
Deferred for 81.51 years @ 6.5%	0.0059	£ 144		
Reversion				
Freehold value of flat	£ 474,746			
PV of £1 in 106.51 years at 5%	0.00554	£ 2,628		
Freeholders interest value			£ 13,886	
Price payable to Freeholder				
Value of freeholders current interest			£ 13,886	
Other compensation for loss incurred by freeholder				
Appurtenant property			£ -	
			Total	**£ 13,886**
			Say	**£ 13,890**

Property: 17 Lannhill Road London W9 2BS				
Flat 4: Second Floor Flat				
Lease and Valuation Data				
Lease Term:	1/1/06			
Lease Expiry date:	12/31/30			
Unexpired term as at valuation date:	106.51	years		
Date of Valuation	6/27/24			
Rent receivable by landlord:				
Payable from valuation date for 6.51 years	£ 400			
Payable from review date for 25 years	£ 800			
Payable from review date for 25 years	£ 1,200			
Payable from review date for 25 years	£ 1,600			
Payable from review date for 106.51 years	£ 2,000			
Values				
Unimproved Long Leasehold Value	£ 470,046			
FHVP	£ 474,746			
Capitalisation rate (%)	**6.50**			
Deferment rate (%)	**5.00**			
Value of Freeholders present interest				
Term 1				
Ground rent payable	£ 400			
YP @ 6.51 years @ 6.5%	5.17426	£ 2,070		
Term 2				
Ground rent payable	£ 800			
YP @ 25 years @ 6.5%	12.19788			
Deferred for 6.51 years @ 6.5%	0.6637	£ 6,476		
Term 3				
Ground rent payable	£ 1,200			
YP @ 25 years @ 6.5%	12.19788			
Deferred for 31.51 years @ 6.5%	0.1375	£ 2,012		
Term 4				
Ground rent payable	£ 1,600			
YP @ 25 years @ 6.5%	12.19788			
Deferred for 56.51 years @ 6.5%	0.0285	£ 556		
Ground rent payable	£ 2,000			
YP @ 25 years @ 6.5%	12.19788			
Deferred for 81.51 years @ 6.5%	0.0059	£ 144		
Reversion				
Freehold value of flat	£ 474,746			
PV of £1 in 106.51 years at 5%	0.00554	£ 2,628		
Freeholders interest value			£ 13,886	
Price payable to Freeholder				
Value of freeholders current interest			£ 13,886	
Other compensation for loss incurred by freeholder				
Appurtenant property			£ -	
			Total	**£ 13,886**
			Say	**£ 13,890**

Property: 17 Lannhill Road London W9 2BS					
Flat 5: Third Floor Flat					
Lease and Valuation Data					
Lease Term:	1/1/06				
Lease Expiry date:	12/31/30				
Unexpired term as at valuation date:	106.51	years			
Date of Valuation	6/27/24				
Rent receivable by landlord:					
Payable from valuation date for 6.51 years	£ 400				
Payable from review date for 25 years	£ 800				
Payable from review date for 25 years	£ 1,200				
Payable from review date for 25 years	£ 1,600				
Payable from review date for 106.51 years	£ 2,000				
Values					
Unimproved Long Leasehold Value	£ 380,037				
FHVP	£ 383,837				
Capitalisation rate (%)	**6.50**				
Deferment rate (%)	**5.00**				
Value of Freeholders present interest					
Term 1					
Ground rent payable	£ 400				
YP @ 6.51 years @ 6.5%	5.17426	£ 2,070			
Term 2					
Ground rent payable	£ 800				
YP @ 25 years @ 6.5%	12.19788				
Deferred for 6.51 years @ 6.5%	0.6637	£ 6,476			
Term 3					
Ground rent payable	£ 1,200				
YP @ 25 years @ 6.5%	12.19788				
Deferred for 31.51 years @ 6.5%	0.1375	£ 2,012			
Term 4					
Ground rent payable	£ 1,600				
YP @ 25 years @ 6.5%	12.19788				
Deferred for 56.51 years @ 6.5%	0.0285	£ 556			
Ground rent payable	£ 2,000				
YP @ 25 years @ 6.5%	12.19788				
Deferred for 81.51 years @ 6.5%	0.0059	£ 144			
Reversion					
Freehold value of flat	£ 383,837				
PV of £1 in 106.51 years at 5%	0.00554	£ 2,125			
Freeholders interest value			£ 13,382		
Price payable to Freeholder					
Value of freeholders current interest			£ 13,382		
Other compensation for loss incurred by freeholder					
Appurtenant property			£ -		
			Total	**£ 13,382**	
			Say	**£ 13,380**	