

LEASEHOLD VALUATION TRIBUNAL OF THE MIDLAND RENT ASSESSMENT
PANEL

Preliminary Hearing to determine jurisdiction on an application for a determination of the price payable under Section 21 (1)(a) of the Leasehold Reform Act 1967

Applicants: Mr R J and Mrs C A Bradley

Respondent: Mansal Securities Ltd

Property: 224 Station Road
Wythall
Birmingham
B47 6ES

Date of Notice Exercising the Right to Acquire the Freehold: 9 September 2004

Hearing: 18 January 2005

Members of the Leasehold Valuation Tribunal: Miss T N Jackson BA Law (Hons) (Chair)
Mr M Williams FRICS
Mr D Underhill

Date of Determination:

1. **Background**

- 1.1 This is a decision on the question as to whether the Leasehold Valuation Tribunal has jurisdiction to consider an application under section 21 (1)(a) of the Leasehold Reform Act 1967 for the determination of the price payable under section 9 of the 1967 Act for the freehold interest in the subject property.
- 1.2 The subject property is held under a lease dated 9 July 1975 for a term of 99 years from 25 December 1971 at an annual ground rent of £50 per annum. The applicant gave notice of tenants claim to acquire the freehold on 9 September 2004. The applicant applied to the Tribunal for determination of the price payable under section 9 of the 1967 Act on 5 November 2004.
- 1.3 By notice in reply to tenants claim dated 1 November 2004, the respondent did not admit the tenants right on the ground set out in a letter of the same date stating that the tenant had not provided the statutory declaration with the exhibited evidence of ownership. The letter stated that it constituted a notice of default and required the breach to be remedied. By notice dated 7 January 2005, the respondent served Notice of Default on the applicant requiring them to comply with the obligation to provide the statutory declaration by 3 March 2005.

- 1.4 Having regard to the requirements of the Leasehold Reform (Enfranchisement and Extension) Regulations 1967 and particularly the conditions laid down in part 1 of the Schedule to those Regulations, the matter was listed for a preliminary hearing to ascertain whether or not the Tribunal had jurisdiction to consider the application.
- 1.5 By letter dated 18 January 2005, the respondent's representative advised the Tribunal that a statutory declaration and proof of title had been forwarded to the respondent four days previously.

2. **Determination**

On the basis that the statutory declaration and proof of title had now been provided to the respondent, the Tribunal determines that it has jurisdiction to hear the application and the matter should now be listed for hearing and inspection.

N Jackson (Chair)

N. Jackson