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REF: BIR/00CN/OAF/2005/0073

**LEASEHOLD VALUATION TRIBUNAL OF THE MIDLAND RENT ASSESSMENT
PANEL**

**Decision on an application for determination of the price payable under Section
21(1)(a) Leasehold Reform Act 1967**

Applicant: Mr S D Lightwood
Mrs G S Lightwood

Respondent: Missing Landlord

Property: 25 Geraldine Road
Yardley
Birmingham
B25 8BE

**Date of Notice Exercising the Right
to Acquire the Freehold** 10 September 2004

Hearing: 31 May 2005

Appearances: Mr H Barber FRICS for the applicant
Respondent did not appear and was not
represented.

**Members of the Leasehold Valuation
Tribunal:** Miss T N Jackson BA Law (Hons) Chair
Mr Ravenhill MA; FRICS; ACI Arb
Mr D Underhill

Date of Determination: 19 JUL 2005

1. Background

- 1.1 This is a decision on an application under Section 21(1)(a) of 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 22 April 1907 for a term of 99 years from the 24 June 1906 at an annual ground rent of £3 per annum.
- 1.3 The applicant applied to the Court under Section 27 of the Leasehold Reform Act as amended by Section 149 of the Common hold and Leasehold Reform Act 2002 to initiate the missing landlord procedure contained within those statutory provisions. On 8 March 2005 Birmingham County Court ordered that:

'The claimants being tenants of the property at 25 Geraldine Road, Yardley, Birmingham, pursuant to an under lease date 19 January 1921, have a right under

Part 1 of the Leasehold Reform Act 1967, to acquire the freehold thereof and are prevented from giving notice in accordance with the said Act of their desire to have the freehold because the identity of the person to be served with notice cannot be ascertained'.

1.4 Section 27(1) of the 1967 Act provides that:

'Where a tenant of a house having a right under this Part of this Act to acquire the freehold is prevented from giving notice of his desire to have the freehold because the person to be served the notice cannot be found, or his identity cannot be ascertained, then on an application made by the tenant the High Court may....make such order as the Court thinks fit with a view to the house and premises being vested in him.....as if he had at the date of his application to the High Court given notice of his desire to have the freehold'.

1.5 The Tribunal determines that the 10 September 2005, being the date of the application to the Court, is to be treated as the date on which the applicant gave notice of his desire to have the freehold ('the relevant date'). The unexpired term of the lease at the relevant date was approximately three quarters of a year.

2. **Subject Property**

2.1 The property comprises a traditional style, 6 roomed terrace house, of brick and composition slate construction and set back from the pavement behind a short foregarden. It occupies a gently sloping and rectangular plot of land having a depth of approximately 134 feet 6 inches and a width measured at 14 feet 7 inches. The property is situated in a neighbourhood of similar style and class houses just off Deakins Road, Hay Mills and close to the Coventry Road (A45), about 3 miles south east of the city centre.

2.2 The site area is approximately 208 square yards.

2.3 The accommodations comprises on the ground floor; vestibule, half hall, front living room, rear living room and kitchen. To the first floor there is a landing, 3 bedrooms, and a shower room. Outside there is a short foregarden, rear garden, usual outbuildings and rear party pathway.

3. **Inspection and Hearing**

3.1 The Tribunal inspected the subject property on 31 May 2005 in the presence of the applicants.

3.2 The subsequent hearing held on the same day was attended by Mr Barber representing the applicants. The freehold respondent did not appear and was not represented.

4. **Evidence and Submissions on Behalf of the Applicant Leaseholder**

4.1 Mr Barber submitted that the entirety value of the subject property was £115,000. In valuing the subject property, Mr Barber had assumed it to be in a fair and reasonable condition. He was aware that the tenant had carried out improvements over the last 3 to 4 years to the property and in his opinion this reflected the tenants'

Capitalised modern ground rent : $[2193.75 \times 14.67290] =$	£32,188.67
	£2.10
	<hr/>
	£32,190.77

SAY

£32,190

5.4 The addition of a capitalised existing ground rent of £2.10 and a capitalised modern ground rent of £32,188.67 produces a figure of £32,190 rounded down to the nearest pound.

Accordingly the Tribunal determines the price payable under Section 9 of the 1967 Act for the freehold interest in the subject property at £32,190.

N Jackson
N Jackson
Chair

19 JUL 2005