



**First-tier Tribunal
Property Chamber
(Residential Property)**

Case Reference : **CAM/26UG/OLR/2015/0111 & 0112**

Property : **Flats 1, 2 & 3-6 Regent's Court,
31 Sutton Road,
St. Albans,
AL1 5JQ**

Applicant : **Regents Court St. Albans Freehold
(RCSAF) Ltd.**

Represented by : **Chris Green (CG Naylor LLP)**

Respondent : **Victory Property Holdings Ltd.**

Date of Applications : **12th May 2015**

Type of Application : **To determine the terms of acquisition
and costs of the enfranchisement of the
property**

**Date and Place of
Hearing** : **11th September 2015 at Cambridge County
Court 197 East Road, Cambridge CB1 1BA**

DECISION

Crown Copyright ©

1. The applications be and are hereby dismissed

Reasons

2. This hearing was to consider whether the applications should be dismissed as hearing bundles were not delivered in accordance with the Tribunal's directions order. The directions make it clear that if the bundles are not delivered then the hearing will be to consider only the issue of dismissal.
3. The Respondent decided not to attend the hearing but sent in a letter saying, in effect, that everything had been agreed in early July and the Tribunal had no jurisdiction. There was reference to a dispute over the positioning of a car parking space.
4. Mr. Green was able to help clarify the position. He said that there had been what everyone thought was an agreement and a letter was written to the Tribunal by the Applicant's solicitors on the 6th July 2015, supported by the Respondent's solicitors, asking for the application to be withdrawn. That letter had not come to the knowledge of a procedural Judge and no consent

to the withdrawal was every given. A withdrawal is not effective without such consent which is something the solicitors for both sides should have been aware of. However, the point is that as the Applicant's solicitors thought that the applications had been withdrawn, they did not realise that they still had to supply bundles.

5. In an effort to try to assist the parties, a discussion took place as to the dispute. It seems that after the 'agreement', a lessee had decided to measure a car parking area and discovered that the transfer plan was wrong but only to the extent that a line indicating the position of a car parking space was wrongly drawn, allegedly. However, on checking the registered freehold title plan on Mr. Green's tablet (the Tribunal had no title documents save for the leases) it seems that the title to be transferred is simply that edged red on the plan. The car parking spaces do not seem to be separately delineated.
6. Thus, it was clear that all the Tribunal could do would be to confirm that the land edged red on the plan should be transferred. If there was an argument about the positioning of a car park space within that freehold title, this was not a matter upon which the Tribunal could adjudicate. That may be a matter for the Land Registry Adjudicator or the county court.
7. Therefore, it appeared clear that there was nothing else for the Tribunal to determine within its jurisdiction and the applications must be dismissed.

.....
Bruce Edgington
Regional Judge
11th September 2015