



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

Case Reference : CHI/45UD/OAF/2014/0007  
Property : 38 South View Avenue Swindon Wiltshire SN3 1DZ  
Applicant : Mr Nigel James Whiterod  
Representative : McCloy Legal Solicitors  
Respondent : Unknown  
Representative : ---  
Type of Application: Enfranchisement under the Leasehold Reform Act  
1967 ("the 1967 Act")  
Tribunal Members : Judge P.J. Barber  
Mr D Lintott FRICS      Surveyor Member  
Date of Decision : 24th June 2014

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**DECISION**

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## **BACKGROUND**

1. On 1st April 2014 District Judge Cronin in proceedings in Swindon County Court numbered A00SN052 ordered that the Applicant is entitled to acquire the freehold interest in the land and premises known as 38 South View Avenue Swindon Wiltshire SN3 1DZ ("the Property") but that the Applicant is prevented from giving notice in accordance with the 1967 Act of his desire to have the freehold, because the person to be served cannot be found or his identity cannot be ascertained. It was further ordered that the price payable for the freehold interest in the property shall be such sum as shall be determined by a First-Tier Tribunal in the Property Chamber .
2. The Applicant has filed a written valuation report for the Property from Mr P C Jennings FRICS Chartered Surveyor and Estate Agent, dated 12<sup>th</sup> May 2014.
3. No inspection of the Property was carried out and the Applicant in a separate application to the Tribunal made pursuant to Section 21(1)(a) and 21(2) of the 1967 Act and dated 3<sup>rd</sup> April 2014, indicated that he would accept a paper determination of the matter without an oral hearing. Directions were issued in this matter on 22<sup>nd</sup> April 2014, to which the Applicant has responded by providing the requested bundle of supporting documents and other evidence.

## **THE LEASE**

4. According to the Land Registry entries provided by the Applicant for the Property, the Lease is dated 5<sup>th</sup> August 1940 for a term of 999 years from 5<sup>th</sup> August 1940 subject to a fixed rent of £5.00 per annum.

## **THE VALUATION**

5. Mr Jennings` valuation report assessed a value for the Property with its current Good Leasehold title of £241,000.00. Mr Jennings applied a year`s purchase figure of 16.67 or 6% yield to the ground rent, resulting in a figure of £83.33, with a marriage value of nil, taking into account and accordingly disregarding the long unexpired lease term.

## **THE DETERMINATION**

6. The Tribunal considers that the methodology adopted by Mr Jennings is fair and reasonable in the circumstances and therefore determines that the amount that the Applicant shall be required to pay into court in order to acquire the freehold interest in the Property is Eighty-Three Pounds and thirty-three pence (£83.33).
7. We made our decisions accordingly.

Judge P J Barber

Appeals :

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28-day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28-day time limit;

the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.

4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.