



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

Case Reference : **CAM/OOMC/OLR/2015/0135**

Property : **2 Westwood Road, Tilehurst,
Reading RG31 5PW**

Applicant : **Miss Alison Brownfield**

Representative : **Setfords solicitors and Mr R C D
Pugh BSc MRICS of Bentley Pugh &
Associates chartered surveyors**

Respondent : **Norman Wilkins and Betty Ann
Wilkins**

Representative : **None (missing landlord)**

Type of Application : **S50 Leasehold Reform, Housing
and Urban Development Act 1993
(the Act)**

Tribunal Members : **Tribunal Judge Dutton
Mrs H C Bowers BSc Econ MSc
MRICS
Mrs S F Redmond BSc Econ MRICS**

**Date and venue of
Determination** : **26th October 2015, Tilehurst,
Reading**

Date of Decision : **26th October 2015**

DECISION

The Tribunal determines that the price payable for the new lease of 2 Westwood Road, Tilehurst, Reading RG31 5PW (the Property) shall be £7,237 as set out on the valuation in appendix A to the report of Mr Pugh dated 27th July 2015 (the Report).

REASONS

BACKGROUND

1. By an order made by District Judge Darbyshire dated 2nd June 2015 in the County Court at Reading in claim number B00RG213 ("the Order") between the parties named on the front page of this decision, the matter was remitted to this Tribunal for the premium payable for the extended lease of the Property to be determined pursuant to section 51(3) and (5) of the Leasehold Reform, Housing and Urban Development Act 1993 ("the Act").
2. We met on 26th October 2015 for the purposes of implementing the requirements of the Act.
3. We had before us a bundle prepared by the Applicant's solicitors which contained the Court papers, including the Order, copies of the freehold and leasehold registers of title and the present lease. In addition we were provided with a copy of the Report of Mr Pugh.
4. We have considered the papers before us and in particular the Report of Mr Pugh.
5. In addition we had the opportunity of inspecting the Property. It is a first floor maisonette as described in the Report. It is in reasonable order having the accommodation as described. The room in the loft, whilst suffering from limited head height due to the slope of the roof, none the less provides a small double bedroom or study and therefore has some value.
6. In the Report Mr Pugh puts forward three comparable properties and adopting a capitalisation rate of 8%, a deferment rate of 5% and relativity of 93% achieves a value for the premium to be paid of £7,237
7. We set out our comments on these submissions in the findings section below

FINDINGS.

6. In essence we are prepared to accept the premium put forward by Mr Pugh. We have no quibble with the capitalisation and deferment rates. These seem appropriate given the reserved ground rent and the provisions of Sportelli as to deferment rates. As to relativity, he has relied on graph evidence which supports the percentage he has used in the valuation schedule. The comparable evidence was reasonable, although one comparable is a two bedded flat, but this gives some assistance with the top floor room at the Property. His valuation date is wrong. It should be the date of issue of the proceedings at Court which is 10th March 2015. We do not consider this error would have any appreciable impact on the value he puts forward.

7. We should also query the hypothetical freehold value which he puts forward as this seems to us to be the long lease value, but again an uplift of say 1% is not going to have any material effect on the premium payable. We say this having regard to the fact that all the elements of the valuation are within the range that the Tribunal considers to be reasonable. We therefore determine the premium payable to be £7,237 as set out on the valuation at Appendix A of the Report.

Andrew Dutton

Andrew Dutton
Tribunal Judge

26th October 2015

ANNEX - 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.