



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

Case reference : LON/00AG/OCE/2015/0226

Property : 2 Cotleigh Road, London NW6 2NP

Applicants : (1) David Laurence Massie
(2) Ian David Louie Massie
(3) Terry Teng &
(4) 2 Cotleigh Road Limited

Representative : Barlow Robbins LLP, solicitors

Respondent : Vernon Khan

Representative : None

Type of application : Sections 26 & 27 of the Leasehold
Reform, Housing and Urban
Development Act 1993

Tribunal members : Judge Timothy Powell
Richard Shaw FRICS

**Date of determination
and venue** : 20 October 2015 at
10 Alfred Place, London WC1E 7LR

Date of decision : 20 October 2015

DECISION

Background

1. The first, second and third applicants are respectively the long leaseholders of Flats 2c, 2a and 2b, at 2 Cotleigh Road, London NW6 2NP (“the premises”), being the ground floor, first floor and second floor flats of the converted house at 2 Cotleigh Road. The first, second

and third applicants wish to acquire the freehold of the premises under the Leasehold Reform, Housing and Urban Development Act 1993, and, for this purpose, have incorporated the fourth applicant company to act as their nominee purchaser; but it appears that the freeholder, Mr Vernon Khan, cannot be found.

2. By an order dated 21 May 2015, Deputy District Judge Lawrence, sitting at the County Court at Willesden, made an order pursuant to section 26(1) of the 1993 Act that the freehold interest in the premises shall be transferred to the fourth applicant, on such terms as may be determined by the Property Chamber, First-tier Tribunal to be appropriate.
3. The premises comprise a former three-storey, end-of-terrace house that has been converted into three self-contained flats. The house was probably built about 100 years ago and it is assumed that the conversion was undertaken by the respondent, Mr Khan, in about 1984, shortly before the leases were created. The premises appear to be typical of its age and of this road; and they are typical of many houses in the district.
4. The leaseholders hold extended leases dated 5 July 2010, for a term expiring 15 October 2173 (flat 2a); dated 3 April 2006, expiring on 13 March 2172 (flat 2b); and dated 19 January 2005, expiring on 14 March 2173 (flat 2c); all at a peppercorn rent.
5. The applicants' solicitors have provided a bundle of relevant documents for the tribunal to determine the relevant issues on the papers, without a hearing. The tribunal has seen the terms of the proposed TR1 and determines that they are satisfactory, subject to the insertion of the premium determined by the Tribunal.
6. In relation to the premium to be paid, the applicants rely upon the expert opinion of Mr Barry Kyte of Hadley Kyte & Co, Chartered Surveyors. His revised report is dated 2 October 2015 and concludes that the premium payable should be £737 as at the valuation date (which is the 26 February 2015, being the date of issue of the county court proceedings).
7. The tribunal accepts Mr Kyte's assessment. His report contains satisfactory comparable properties in the vicinity.
8. Mr Kyte adopts a deferment rate of 5%, which is standard, and there is no marriage value payable.
9. The tribunal accepts the valuation parameters submitted by Mr Kyte in his expert valuation and approves his valuation calculation. In the

circumstances, the Tribunal determines the amount of the premium is
£737.



Name: Judge Timothy Powell

Date: 20 October 2015