



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

Case Reference : LON/00AE/OCE/2016/0099

Property : 8 Olive Road, London NW2 6DB

Applicants : (1) Area Estates Limited
(2) Nicholas Spiers and Sarah Jane Spiers

Representative : The Head Partnership

Respondent : Mrs Moira Hanley

Representative : None

Type of Application : Section 24 Leasehold Reform,
Housing and Urban Development
Act 1993 – determination of terms
of conveyance and the amount of
any further sums payable to the
respondent

Tribunal Members : Judge John Hewitt
Mrs Sarah Redmond BSc (Econ)
MRICS

**Date and venue of
Determination** : 4 May 2016
10 Alfred Place, London WC1E 7LR

Date of Decision : 5 May 2016

DECISION

Decisions of the tribunal

1. The tribunal determines that:
 - 1.1 The conveyance of the freehold interest by the respondent to the applicants shall be in the form of the draft form TR1 annexed hereto; and
 - 1.2 There are no sums presently payable by the applicants to the respondent pursuant to paragraph 3(1)(b) of Schedule 5 to Leasehold Reform, Housing and Urban Development Act 1993.
2. The reasons for our decisions are set out below.

Procedural background

3. On 29 March 2016 the tribunal received an application from the applicants.
4. By an order made 11 March (and drawn 18 March) 2016 Deputy District Judge Bhogal sitting at the County Court at Willesden ordered that the freehold interest in the property be vested in the applicants in the manner and on the terms set out in that order.

Paragraph 5 of the order required this tribunal to:

- (a) approve the form of conveyance required to give effect to the relevant terms of acquisition; and
 - (b) determine, under paragraph 3(1)(b) of Schedule 5 to the Act any amounts or estimated amounts as being, at the time of execution of the conveyance, due to the respondent from any tenants of the relevant premises.
5. Directions were given on 31 March 2016. The parties were notified that the tribunal proposed to determine the application on the papers during week commencing 2 May 2016, unless by 22 April 2016, either of them requested an oral hearing. The tribunal has not received a request for an oral hearing.
 6. The tribunal has determined the application on the basis of the evidence and materials submitted on behalf of the applicants.

The form of the conveyance

7. The applicants' solicitors have submitted a draft conveyance in form TR1. A copy is appended to this decision.
8. The tribunal has gone through the draft carefully and is satisfied that it is in an acceptable form to give effect to the terms of acquisition. The applicants will, however, need to complete box 6 on the transfer to insert their respective addresses for service before the transfer is submitted to Land Registry for registration. That information to be inserted does not bear on the terms of acquisition that we are concerned with.

Any other sums payable

9. Paragraph 3(1)(b) of Schedule 5 to the Act provides that in addition to the price for the freehold there is also to be paid to the reversioner any amounts or estimated amounts payable by any of the tenants at the time of execution of the conveyance. Typically such sums might be referable to ground rent, insurance rent or service charges.
10. This issue is dealt with in paragraphs 14-19 of the witness statement of Frances Jane Watts, a solicitor with The Head Partnership, the applicants' solicitors. That witness statement is dated 23 March 2016 bears a statement of truth.
11. The gist of that evidence is that the respondent has not made any or any compliant demands for ground rent or service charges so that no sums are due and payable to the respondent. We find that is evidence we can rely upon with confidence and thus we accept it.
12. Accordingly, we determine that at present there are no sums payable by the applicants to the respondent pursuant to paragraph 3(1)(b) of Schedule 5 to the Act. However, if between now and the execution of the conveyance and/or completion of the transaction the respondent were to make a compliant demand for ground rent and/or service charges the applicants' solicitors should bring that fact to the attention of the court.

Judge John Hewitt
5 May 2016

Land Registry
Transfer of whole of registered title(s)

TR1

If you need more room than is provided for in a panel, and your software allows, you can expand any panel in the form. Alternatively use continuation sheet CS and attach it to this form.

Leave blank if not yet registered.

Insert address including postcode (if any) or other description of the property, for example 'land adjoining 2 Acacia Avenue'.

Give full name(s).

Complete as appropriate where the transferor is a company.

Give full name(s).

Complete as appropriate where the transferee is a company. Also, for an overseas company, unless an arrangement with Land Registry exists, lodge either a certificate in Form 7 in Schedule 3 to the Land Registration Rules 2003 or a certified copy of the constitution in English or Welsh, or other evidence permitted by rule 183 of the Land Registration Rules 2003.

Each transferee may give up to three addresses for service, one of which must be a postal address whether or not in the UK (including the postcode, if any). The others can be any combination of a postal address, a UK DX box number or an electronic address.

1	Title number(s) of the property: MX259030
2	Property: 8 Olive Road London NW2 6DB
3	Date:
4	Transferor: Moira Hanley <u>For UK incorporated companies/LLPs</u> Registered number of company or limited liability partnership including any prefix: <u>For overseas companies</u> (a) Territory of incorporation: (b) Registered number in England and Wales including any prefix:
5	Transferee for entry in the register: Area Estates Limited, Nicholas Spiers and Sarah Jane Spiers <u>For UK incorporated companies/LLPs</u> Registered number of company or limited liability partnership including any prefix: 04730589 <u>For overseas companies</u> (a) Territory of incorporation: (b) Registered number in England and Wales including any prefix:
6	Transferee's intended address(es) for service for entry in the register:
7	The transferor transfers the property to the transferee

The transferor must execute this transfer as a deed using the space opposite. If there is more than one transferor, all must execute. Forms of execution are given in Schedule 9 to the Land Registration Rules 2003. If the transfer contains transferee's covenants or declarations or contains an application by the transferee (such as for a restriction), it must also be executed by the transferee.

12 Execution

SIGNED AS A DEED by
a District Judge of the
County Court on behalf of
Moirá Hanley pursuant to
an Order dated
11th March 2016
In the presence of:

Witness Signature:

Witness Name:

Witness Address:

.....

SIGNED AS A DEED by
AREA ESTATES LIMITED
Acting by a director
In the presence of:

Witness Signature:

Witness Name:

Witness Address:

.....

SIGNED AS A DEED by
NICHOLAS SPIERS
Acting by a director
In the presence of:

Witness Signature:

Witness Name:

Witness Address:

.....

SIGNED AS A DEED by
SARAH JANE SPIERS
Acting by a director
In the presence of: