



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

Case Reference : **BIR/OOCR/OAF/201/0029**

Claim No. : **EOOBM223**

Property : **14 Tamar Drive, Woodsetton, Dudley
DY3 1DA**

Applicant : **Mrs Alice Maria Page**

Representative : **Thursfields Solicitors**

Respondent : **Not Known (Missing Landlord)**

Representative : **Not represented**

Type of Application : **Under section 27(5) of the Leasehold
Reform Act 1967 as amended by sections
148 & 149 of the Commonhold &
Leasehold Reform Act 2002**

Tribunal Members : **N R Thompson FRICS (Chairman)
N Wint FRICS**

**Date and venue of
determination** : **17th December 2018 in Birmingham**

Date of Decision : **7th January 2019**

DECISION

Background

1 This is a determination under section 27(5) the Leasehold Reform Act 1967 (“the 1967 Act”), as amended by section 148 and 149 of the Commonhold & Leasehold Reform Act 2002 (“the 2002 Act”) as to the appropriate sum which, because the landlord cannot be found, is to be paid into Court for the freehold interest in respect of 14 Tamar Drive, Woodsetton, Dudley, West Midlands DY3 1DA, and for the determination of any ground rent payable by the Applicant. The Applicant (as lessee), Mrs Alice Maria Page holds the property by way of a lease dated 26th April 1712 for a term of 380 years from that date at an annual ground rent of a peppercorn (if demanded). The deemed date of the Applicant’s notice to acquire the freehold is 12th January 2018, being the date of the application to the Court, when approximately 74 years and 3 months of the term remained unexpired.

2 Section 27(5) of the 1967 Act states:

“(5) The appropriate sum which, in accordance with subsection (3) above, is to be paid into court is the aggregate of:

(a) such amount as may be determined by (or on appeal from) a leasehold valuation tribunal to be the price payable in accordance with section 9 above; and

(b) the amount or estimated amount (as so determined) of any pecuniary rent payable for the house and premises up to the date of the conveyance which remains unpaid.”

Property

3 The Tribunal carried out an inspection of the property on 17th December 2018, in the presence of the Applicant and her son in law.

The property occupies a sloping site having a frontage of approximately 11m/36 feet and comprises a two storey detached bungalow of brick and interlocking tile construction, believed to have been built in the 1970s, in a well-established residential area approximately one mile from Sedgley town centre.

The accommodation is centrally heated and double glazed. It comprises a hall; living room; principal (double) bedroom; second (small double) bedroom; bathroom, kitchen and conservatory. Externally, in addition to front and rear gardens, the property has single garage and appropriate off street parking, albeit on a steeply sloping driveway.

Submissions

4 At the request of the Applicant, the application was determined without an oral hearing but with the benefit of a detailed and helpful report prepared on her

behalf by Mr Keith Chew LL.B, FRICS of Messrs Lawrence & Wightman, Chartered Surveyors of Birmingham.

5. Mr Chew's report set out in detail the background to the case; the physical characteristics of the property; the relevant case law and a valuation supported by specific and comprehensive comments on each element of the calculation of the value of the freehold as required under the legislation. It is not necessary to rehearse here the detail of the submission made by Mr Chew; suffice it to say that following an inspection of the comparables cited by Mr Chew, and having considered carefully each aspect of his valuation, the Tribunal sees no reason to interfere or amend it in any way and adopts it in its entirety.

Decision

A – Freehold price in accordance with Section 27(5) (a) of the 1967 Act:

The Tribunal determines that the amount to be paid into Court in accordance with Section 27 (5)(a) of the 1967 Act to be £1,847 (one thousand eight hundred and forty seven pounds) as set out in the valuation attached as Appendix 1 to this decision.

B - The amount of any unpaid pecuniary rent in accordance with Section 27 (5) (b) of the 1967 Act:

As the annual ground rent is expressed in the lease to be a peppercorn (i.e. nothing of monetary value) there is no ground rent to be paid into Court in this instance.

Any appeal against this decision must be made to the Upper Tribunal (Lands Chamber). Prior to making such an appeal an aggrieved party must apply, in writing, to this Tribunal for permission to appeal within 28 days of the date specified below stating (i) the decision of the Tribunal to which the appeal application relates; (ii) the grounds on which they intend to rely in the appeal; and (iii) the result the party making the application is seeking.

N R Thompson

Date: 7th January 2019