



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

**Case Reference** : **RC/LON/00AY/OCE/2019/0188**

**Property** : **101 Flaxman Road, London SE5 9DX**

**Applicants** : **Julia Eliose Crabtree  
William Douglas Evans, Morgan  
Haile Onitse – Jolomi Eruku and  
Theophilus Kaipi Eruku**

**Representative** : **Nelsons Solicitors**

**Respondent** : **Facey Property Services Limited**

**Representative** : **N/A**

**Type of Application** : **S25 Leasehold Reform Housing and  
Urban Development Act 1993**

**Tribunal Members** : **P M J Casey MRICS**

**Date and venue of  
Hearing** : **Paper hearing on 2 December 2019  
10 Alfred Place, London WC1E 7LR**

**Date of Decision** :

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**DECISION**

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## **Decisions of the tribunal**

- (1) The tribunal determines that the terms of the transfer of the freehold interest in 101 Flaxman Road, London SE5 9DX (“the property”) as set out in the draft form TR1 enclosed with the application to the tribunal dated 25 September 2019 are approved.

## **The application**

1. The applicants seek a determination by the tribunal pursuant to a vesting order made under the provisions of S25(6) of the Leasehold Reform Housing and Urban Development Act 1993 (“the Act”) by Deputy District Judge Price sitting at the County Court at Clerkenwell & Shoreditch on 24 June 2019 that the draft conveyance set out on form TR1 accompanying the application is in a form that can be approved by the tribunal.
2. The order was made in response to a claim made to the Court on 17 December 2018 by Nelsons Solicitors on behalf of the applicants in which it was said that the applicants were entitled to acquire the property under the provisions of the Act in accordance with the proposals contained in the notice pursuant to S13 of the Act that they served on the respondent on 14 December 2016.

## **The hearing**

3. In response to the Tribunal’s directions which provided for a determination on the papers to be submitted, the applicants’ solicitors provided a copy of the claim form and particulars of claim together with the written evidence which had supported it.
4. The Tribunal considered the application on 2 December 2019 on the papers. No response to the directions was received from the respondents.

## **The decision**

5. The Court having been satisfied that the applicants had properly served a notice under S13 of the Act seeking to exercise the right to collective enfranchisement on the respondent and the respondent having failed to serve a valid counter-notice by the date specified therein has granted an order to the applicants as the nominee purchaser vesting the property in them on the basis of the proposals contained in the S13 notice.
6. Paragraph 2 of Schedule 5 of the Act provides in such circumstances

“2(1) where any interests are to be vested in the nominee purchase by virtue of a vesting order, then on paying into court the appropriate sum in respect of those interests there shall be executed by such person as the court may designate a conveyance which -

- (a) is in a form approved by a leasehold valuation tribunal, and
- (b) contains such provisions as may be so approved for the purpose of giving effect to the relevant terms of acquisition.

(2) The conveyance shall be effective to vest in the nominee purchaser the interests expressed to be conveyed, subject to and in accordance with the terms of the conveyance.”

7. The sole role of the First-tier Tribunal, as the Leasehold Valuation Tribunal has become, is to approve the form of the conveyance. Nelsons enclosed with the application a draft from TR1 setting out the proposed terms of the conveyance. This has been considered and is approved by the tribunal.

**Name:** Patrick M J Casey

**Date:**

### **Rights of appeal**

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

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. 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.

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.

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.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).

