



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

Case Reference : LON/00AH/OCE/2021/0045

Property : 59 Whitworth Road, London,
SE25 6XJ

Applicants : Graham Leslie Young
Suzanne Linda Holmes
Lisa Lynch

Representative : Taylor Rose MW Solicitors

Respondent : Mark Andrew West

Type of Application : Leasehold Reform, Housing &
Urban Development Act 1993 –
Section 27

**Date of Application
To County Court** : 4 March 2021

Date of Decision : 22 July 2021

Tribunal Member : A. J. Rawlence MRICS

DECISION

The Tribunal confirms the form of the transfer document TRI for Title Number SGL 103731.

Background

1. This application concerns a collective enfranchisement claim for the Property.
2. The respondent is the freeholder of the Property.

3. The leaseholders wish to acquire the freehold interest in the Property. The person to be served with a Tenant's notice claiming the right to acquire the freehold cannot be found.
4. By the order (the '**Order**') of District Judge Keeting in the Croydon Law Courts 21 April 2021 it was ordered that:
 1. The orders of Deputy District Judge Davies dated 11 February 2020 and District Judge Rowland dated 17 August 2020 are set aside.
 2. Pursuant to Sections 26 and 27 of the Leasehold Reform Housing & Urban Development Act 1993 (the "1993 Act")
 - a. the Court declares as follows: -
 - i. On the date that this Claim is made the Property was a property to which the collective enfranchisement provisions of the 1993 Act applied,
 - ii. On the date that this Claim is made the Claimants would not have been precluded from giving valid notice of the Claim under Section 13 of the 1993 Act.
 3. It is ordered that under Section 26(1) of 1993 Act that the freehold interest in the Property do vest in the First Claimant (as the Nominee Purchaser) pursuant to Section 27(1)(a) of the 1993 Act for nil consideration.
 4. It is ordered that. either a partner in the firm of Taylor Rose MW as appropriate be appointed as the Designated Person for the purpose of executing the Transfer Deed (TR1) or such other person as the Court deems appropriate.
 5. the Claim be transferred to the First Tier Tribunal for approval of the Form of transfer.

Applicant's submissions

5. Following the Court Order, the Tribunal is making a determination of the form of transfer document under Title SGL 103731.
6. Two previous Court Orders had been granted but the Land Registry raised two issues when the applicant attempted to register title.
7. The first issue was resolved by the revocation of both Orders and a new Order granted on 21 April 2021.
8. The second issue required an additional statement under section 24(10) of the Leasehold Reform Housing and Urban Development 1993. The Form of Transfer document makes such a provision.

A J Rawlence
22 July 2021

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).