



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

Case Reference : LON/00AZ/OCE/2016/0264

Property : 78 Catford Hill, London SE6 4PU

Applicant : Ms Hannah Leonie Pedly (1)
Mr Herman Christoffel Kuun & Ms
Claire Louise Phillips (2)

Representative : Tolhurst Fisher LLP - Solicitors

Respondent : Mr Thomas Brown

Representative : None

Type of Application : Determination of the form of the
conveyance and determination of
the appropriate sum to be paid into
court – sections 27 (3) and (5)
Leasehold Reform, Housing and
Urban Development Act 1993

Tribunal Members : Judge John Hewitt
Mr Ian Holdsworth MSc FRICS

Date of Decision : 17 October 2016

DECISION

Decisions of the tribunal

1. The tribunal determines that:
 - 1.1 The conveyance, for the purposes of section 27(3) of the Act shall be in the form of the draft form TR1 annexed hereto and signed by 'John Hewitt 12.10.16'; and
 - 1.2 The appropriate sum for the purposes of section 27(5) of the Act is £28,000.
2. The reasons for our decisions are set out below.

NB Later reference in this Decision to a number in square brackets ([]) is a reference to the page number of the hearing file provided to us for use at the hearing.

Procedural background

3. On 8 October 1991 the respondent was registered at Land Registry as the proprietor of the freehold interest in the property, 78 Catford Hill, Catford (Title number 442155).
4. The Charges register, Schedule of leases, records two leases have been granted and registered out of the freehold interest:

GFF: dated 11 August 1992 for a term of 99 years from 25 March 1992 (Title number TGL79858); and

FFF: dated 10 August 1992 for a term of 99 years from 25 March 1992 (Title number TGL84506)
5. On 23 October 2007 the second applicant was registered at Land Registry as the proprietor of the lease of the GFF.

On 2 November 2007 the first applicant was registered at Land Registry as the proprietor of the FFF.
6. Evidently the current whereabouts of the respondent freeholder is unknown. On 1 June 2016 the applicants (as Claimants) made an application to the County Court at Bromley (Claim Number CO0BR977) pursuant to section 26 of the Act on the footing that the respondent (as Defendant) was a 'missing landlord' for the purposes of that section.
7. On 8 August 2016 District Judge Coffey sitting at the County Court at Bromley made an order (paragraph 1), pursuant to section 26 of the Act that a vesting order be made providing for the freehold interest in the property held by the respondent be vested in the applicants "... *in such form as, as may be determined by a First Tier Tribunal to be appropriate with a view to the interest being vested in like manner as if the Claimants had at the date of their application given notice under Section 13 of ... [the Act] ... of their claim to exercise their right of collective enfranchisement in respect of the premises.*"

Paragraph 3 of the order provided: *“Upon receipt of the decision of the First Tier Tribunal the Claimants do file a copy and pay into Court the premium determined by the First Tier Tribunal less ...”*

8. Section 27(3) of the Act provides that where a vesting order is made under section 26(1) then upon payment into court of the appropriate sum there shall be executed by such person as the court may designate a conveyance which is in a form approved by the appropriate tribunal.

Section 27(5) of the Act provides that the appropriate sum for the purposes of subsection (3) is such sum as may be determined by the appropriate tribunal. Subsections (a) and (b) of subsection (5) specify what elements are to comprise and make up the appropriate sum.

This tribunal is the appropriate tribunal for the purposes of section 27 of the Act.

The terms of the conveyance

9. A draft of the conveyance contended for by the applicants is a form TR1 at. A copy is annexed to this decision. That draft is approved by us as drawn.

Of course the form TR1 will have to be dated in due course and the consideration of £28,000.00 inserted into box 8.

The appropriate sum

10. Pursuant to directions issued by the tribunal we have been provided with a report prepared by Mike Stapleton FRICS dated 20 September 2016. We have gone through the report carefully. It is in a format compliant with rule 19 of this tribunal’s rules which concerns expert evidence. We have noted Mr Stapleton’s valuation, his methodology and his conclusions. We find that he has adopted good valuation practice in his approach, He has provided evidence of comparable transactions which appear to us to be reasonable and realistic. His relativity is supported by the graphs he has identified and averaged.
11. We were told by the applicants’ solicitors, and accept, that no lawful or compliant demands for ground rent and/or service charges have ever been made of either of the applicants by or on behalf of the respondent. Thus we find that there are no amounts or estimated amounts payable to the respondent at the time of execution of the conveyance within the meaning of section 27(5)(b) of the Act.
12. Taken overall we find that we can rely upon the expert evidence of Mr Stapleton with some confidence. Accordingly, we adopt Mr Stapleton’s evidence and determine the appropriate sum to be £28,000.

Judge John Hewitt
17 October 2016.

DRAFT

Land Registry

Transfer of whole of registered title(s)

John Hewitt
12.10.16

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.

1	Title number(s) of the property: 442155
2	Property: 78 Catford Hill, London, SE6 4PU
3	Date:
4	Transferor: Thomas Brown <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 the United Kingdom including any prefix:
5	Transferee for entry in the register: (1) Hannah Leonie Pedley (2) Herman Christoffel Kuun (3) Claire Louise Phillips <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 the United Kingdom including any prefix:
6	Transferee's intended address(es) for service for entry in the register: (1) 125 London Road, Twickenham, London, TW1 1EF (2) 78 Catford Hill, London, SE6 4PU (3) 78 Catford Hill, London, SE6 4PU
7	The transferor transfers the property to the transferee

8 Consideration:

- The transferor has received from the transferee for the property the following sum (in words and figures):
- The transfer is not for money or anything that has a monetary value
- Insert other receipt as appropriate

9 The transferor transfers with

- full title guarantee
- limited title guarantee

10 Declaration of trust. The transferee is more than one person and

- they are to hold the property on trust for themselves as joint tenants
- they are to hold the property on trust for themselves as tenants in common in equal shares
- they are to hold the property on trust:

for themselves as tenants in common in unequal shares according to the following:

Hannah Leonie Pedley 50%

Herman Christoffel Kuun 25%

Claire Louise Phillips 25%

11 Additional provisions

11.1 This Transfer is executed for the purpose of Chapter I Part I of the Leasehold Reform, Housing and Urban Development Act 1993

11.2 The Transferee covenants by way of indemnity only, on the Transferees behalf and on behalf of the Transferees successors in title, to observe and perform the charges, incumbrances, covenants and restrictions contained or referred to in the Charges Register of Title Number 442155 insofar as they are subsisting and capable of taking effect and the Landlord covenants in or implied by the Leases referred to in the Charges Register of the said title, and will keep the Transferor indemnified against all proceedings, costs, claims and expenses arising from any failure to do so

12 Execution.

Signed as a Deed by the
signature of a District Judge
of the Bromley County Court
nominated to execute the Deed
on behalf of THOMAS BROWN
in the presence of :

.....
Witness Sign

.....
Print Name

.....
Address

.....
Occupation

SIGNED AS A DEED
by the said
HANNAH LEONIE PEDLEY
in the presence of:

.....
Witness Sign

.....
Print Name

.....
Address

.....
Occupation

SIGNED AS A DEED
by the said
HERMAN CHRISTOFFEL KUUN
in the presence of:

.....
Witness Sign

.....
Print Name

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Address

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Occupation

SIGNED AS A DEED
by the said
CLAIRE LOUISE PHILLIPS
in the presence of:

.....
Witness Sign

.....
Print Name

.....
Address

.....
Occupation

WARNING

If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

Failure to complete this form with proper care may result in a loss of protection under the Land Registration Act 2002 if, as a result, a mistake is made in the register.

Under section 66 of the Land Registration Act 2002 most documents (including this form) kept by the registrar relating to an application to the registrar or referred to in the register are open to public inspection and copying. If you believe a document contains prejudicial information, you may apply for that part of the document to be made exempt using Form EX1, under rule 139 of the Land Registration Rules 2003.