



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

**Case Reference** : LON/OOBH/OCE/2015/0149

**Property** : 71b Netley Road, London E17 7QD

**Applicant** : Lahrie Mohamed

**Representative** : Cavendish Legal

**Respondents** : Steven and Pearl Green (missing landlords)

**Representative** : None

**Type of Application** : Enfranchisement

**Tribunal Members:** Judge Robert Latham  
Mr Ian Holdsworth, FRICS

**Date and venue of Hearing** : Paper determination on 3 September 2015 at  
Alfred Place, London WC1E 7LR

**Date of Decision** : 3 September 2015

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**DECISION**

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(i) The Tribunal determines that the premium payable by the Applicant in respect of the extension of his lease in respect of 71b Netley Road is £10,050. We approve the calculation made by Ms Mariner.

(ii) The Tribunal approves the Deed of Surrender and Re-Grant provided by the Applicants.

## **Background**

1. On 7 January 2015, by order of District Judge Lightman, sitting at the Central London County Court, dispensed with the service of the tenant's notice under Section 42 of the Leasehold Reform, Housing and Urban Development Act 1993 ("the Act") claiming the right to acquire a new lease of his flat at 71b Netley Road, London, E17 7QD ("the premises") on the ground that the landlord could not be found. He transferred the matter to this Tribunal to determine the terms of the new lease and the premium payable.

## **Evidence**

2. We have been provided with a valuation report by Ms Genevieve Mariner BSc MRICS dated 28 July 2015. She computes the premium to be £10,050. Her calculation is at p.47 of the Bundle. We have scrutinised the approach that she has adopted. We are impressed by the thoroughness of her approach. We have checked her calculation. We have no hesitation in approving her computation
3. We have also been provided with a Deed of Surrender and Re-Grant. We approve this.

## **Lease details**

4. The Applicants currently hold the property under a lease for a term of 99 years from 25 December 1991. The Valuation Date is 2 June 2015 when the unexpired term was 75.56 years.

## **Extended Lease Value**

5. Ms Mariner proposes an extended lease value of £300,000. We are happy to approve this. She considers four comparables. We have checked these and are satisfied that they are all relevant. We consider the most relevant to be 26a Eldon Avenue, the other properties being somewhat larger. All these properties have gardens and an adjustment needs to be made in respect of this.

## **Adjustment for Freehold Value**

6. Ms Mariner has made an adjustment of 1% to compute the freehold value, namely £303,000. We approve this.

## **Relativity**

7. Ms Mariner contends for a figure of 95.24%. There is no evidence of local transactions. Ms Mariner states that she has been assisted by the RICS Research paper and has analysed five graphs outside the prime central London area which give a range of 93.75% to 96.66%. She takes the average to be 95.24%. We approve the approach that she has taken and have checked her calculation.

### **Capitalisation Rate**

8. We are satisfied that 7% is the appropriate figure to adopt.

### **Deferment Rate**

9. We approve the "Spotelli" rate of 5% for deferment which Ms Mariner has adopted.

### **Calculation of the Premium**

10. We approve Ms Mariner's calculation at p.47 and determine the premium payable to be £10,050.

**Robert Latham**  
**Tribunal Judge**

3 September 2015