

4184



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

Case Reference : LON/00AY/OCE/2013/0274

Property : 1 & 1A Cowthorpe Road, London SW8 4RD

Applicant : Cowthorpe Road 1-1A Freehold Limited

Representative : Comptons Solicitors LLP

Respondent : Ahmed Wahedally, Executor of Zubeida Ahamadally

Representative : Hanson Young Solicitors

Type of Application : Determination of terms of transfer deed

Tribunal Members : Mr Jeremy Donegan – Tribunal Judge
Ms Marina Krisko FRICS – Valuer Member

Date and venue of Paper Determination : 05 May 2016
10 Alfred Place, London WC1E 7LR

Date of Decision : 05 May 2016

DECISION

Decisions of the tribunal

The tribunal approves the transfer deed in the form attached.

The application

1. On 09 December 2013 the tribunal received an application under sections 24 and 33 of the Leasehold Reform, Housing and Urban Development Act ('the 1993 Act').
2. The application relates to the proposed acquisition of the freehold of 1 & 1A Cowthorpe Road, London SW8 4RD ('the Premises'). The Respondent is the freeholder of the Premises. On 21 March 2013, the Applicant served an initial notice on the Respondent pursuant to section 13 of the 1993 Act. This required the Respondent to serve any counter-notice by 15 June 2013. The counter-notice was served after the expiry of this deadline, on 17 June 2013.
3. The tribunal application was stayed pending the outcome of an application to the County Court under section 25(1) of the 1993 Act.
4. On 16 February 2016 the County Court at Central London made a vesting order under section 25(1) of the 1993 Act. This provides that the Applicant is entitled to acquire the freehold of the Premises upon payment of the sum of £46,500 less costs of £12,580. The order also made provision for the tribunal to approve the form of the transfer deed.
5. In a letter dated 18 February 2016 the Applicant's solicitors asked the tribunal to approve the form of the transfer. Directions were issued on 14 March 2016. These provided that case would proceed to a paper determination. Neither party has objected to this or requested an oral hearing.
6. The directions provided that the Respondent must submit a draft transfer to the Applicant by 30 March 2016. It was then for the Applicant to return the transfer with any amendments by 13 April 2016 and the Respondent was to provide a list of disputed terms by 20 April 2016.
7. The Applicant's solicitors supplied the tribunal with a hearing bundle that contained copies of the order dated 16 February 2016, the directions, Land Registry entries for the freehold and leasehold titles and a draft transfer deed. Their covering letter, dated 25 April 2016, explained that Respondent's solicitors had failed to respond to the draft transfer. It appears that the transfer was drafted by the Applicant's solicitors, rather than the Respondent or his solicitors. The

Respondent has not participated in these proceedings or filed any documents with the tribunal.

The issues

8. The tribunal is solely required to determine the terms of the transfer deed.

The tribunal's decision

9. The tribunal approves the draft transfer deed attached.

Reasons for the tribunal's decision

10. The Respondent has not objected to the draft transfer deed or suggested any amendments. The deed correctly records the property details and the names of the parties and contains the statement required by section 34(10) of the 1993 Act. The tribunal is satisfied that the deed conforms with the provisions of schedule 7 to that Act.

Name: Tribunal Judge Donegan **Date:** 05 May 2016

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.

Leave blank if not yet registered.

Insert address including postcode (if any) or other description of the property, for example 'land adjoining 2 Acacia Avenue'.

Give full name(s).

Complete as appropriate where the transferor is a company.

Give full name(s).

Complete as appropriate where the transferee is a company. Also, for an overseas company, unless an arrangement with Land Registry exists, lodge either a certificate in Form 7 in Schedule 3 to the Land Registration Rules 2003 or a certified copy of the constitution in English or Welsh, or other evidence permitted by rule 183 of the Land Registration Rules 2003.

Each transferee may give up to three addresses for service, one of which must be a postal address whether or not in the UK (including the postcode, if any). The others can be any combination of a postal address, a UK DX box number or an electronic address.

1	Title number(s) of the property: LN102783
2	Property: 1 and 1A Cowthorpe Road London SW8 4RD
3	Date:
4	<p>Transferor:</p> <p>Ahmed Wahedally, Executor of Zubeida Ahamadally</p> <p><u>For UK incorporated companies/LLPs</u> Registered number of company or limited liability partnership including any prefix:</p> <p><u>For overseas companies</u> (a) Territory of incorporation:</p> <p>(b) Registered number in the United Kingdom including any prefix:</p>
5	<p>Transferee for entry in the register:</p> <p>Cowthorpe Road 1-1A Freehold Limited</p> <p><u>For UK incorporated companies/LLPs</u> Registered number of company or limited liability partnership including any prefix: 7968823</p> <p><u>For overseas companies</u> (a) Territory of incorporation:</p> <p>(b) Registered number in the United Kingdom including any prefix:</p>
6	<p>Transferee's intended address(es) for service for entry in the register:</p> <p>Flat 1 Cowthorpe Road, London SW8 4RD</p>
7	The transferor transfers the property to the transferee

Place 'X' in the appropriate box. State the currency unit if other than sterling. If none of the boxes apply, insert an appropriate memorandum in panel 11.

8	<p>Consideration</p> <p><input checked="" type="checkbox"/> The transferor has received from the transferee for the property the following sum (in words and figures):</p> <p style="padding-left: 20px;">Forty-One Thousand Six Hundred Fifty Pounds (£41,650)</p> <p><input type="checkbox"/> The transfer is not for money or anything that has a monetary value</p> <p><input type="checkbox"/> Insert other receipt as appropriate:</p>
---	--

Place 'X' in any box that applies.

Add any modifications.

9	<p>The transferor transfers with</p> <p style="padding-left: 20px;">full title guarantee</p> <p><input checked="" type="checkbox"/> limited title guarantee</p>
---	---

Where the transferee is more than one person, place 'X' in the appropriate box.

10	<p>Declaration of trust. The transferee is more than one person and</p> <p><input type="checkbox"/> they are to hold the property on trust for themselves as joint tenants</p> <p><input type="checkbox"/> they are to hold the property on trust for themselves as tenants in common in equal shares</p> <p><input type="checkbox"/> they are to hold the property on trust:</p>
----	---

Complete as necessary.

Insert here any required or permitted statement, certificate or application and any agreed covenants, declarations and so on.

11	<p>Additional provisions</p> <p style="padding-left: 20px;">This transfer is executed for the purposes of Chapter I of Part I of the Leasehold Reform, Housing and Urban Development Act 1993</p>
----	---

The transferor must execute this transfer as a deed using the space opposite. If there is more than one transferor, all must execute. Forms of execution are given in Schedule 9 to the Land Registration Rules 2003. If the transfer contains transferee's covenants or declarations or contains an application by the transferee (such as for a restriction), it must also be executed by the transferee.

12 Execution

Executed as a Deed by
Ahmed Wahedally
as Executor of Zubeida Ahamadally
in the presence of:

Witness Signature:

Witness Name:

Witness Address:

Witness Occupation

Executed as a Deed by
Cowthorpe Road 1-1A
Freehold Limited
Acting by two directors:
in the presence of:

Director:

Director:

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 136 of the Land Registration Rules 2003.

© Crown copyright (ref: LR/HO) 07/09