

Y TRIBIWNLYS EIDDO PRESWYL
RESIDENTIAL PROPERTY TRIBUNAL
LEASEHOLD VALUATION TRIBUNAL

Reference: LVT/0055/03/25

In the Matter of premises at 22 Barnard Avenue, Caerau, Cardiff, CF5 5AU.

In the matter of an Application under Section 21(1) (A) of the Leasehold Reform Act 1967.

Applicant: Dr Salim. A . Kabba

Respondent: Binbevel Ltd

Intermediate Landlord: (As advanced by the Applicant) : Mrs. Sharon Murray

**DECISION AND DIRECTIONS FOLLOWING PRELIMINARY
HEARING ON THE PAPERS on the 10th July 2025**

Background

1. A Virtual Hearing on the papers was undertaken on the 10th of July 2025 in relation to the Preliminary issue raised by Mrs. Sharon Murray who is named by the Applicant as an intermediate Landlord in respect of the Application.
2. In summary Mrs. Sharon Murray denies the status of an Intermediate Landlord. As a consequence, directions date the 12th June 2025 required the Applicant and Mrs. Sharon Murray to file and serve narrative statements setting out their respective positions for determination by the Tribunal on the papers.
3. The Applicant's case put succinctly is that Mrs. Sharon Murray is an intermediate landlord based upon minutes dated the 5th of March 2024 of a meeting of the Respondent Company Directors stating she was appointed as managing Agent of the Estate [p 50 of the bundle]. This assertion is included within a witness Statement that includes a statement of truth.
4. Conversely Mrs. Sharon Murray's case is that she has no status other than as an administrator to the management company. Again, this assertion is included within a Statement that includes a Statement of Truth. In addition, exhibited to her statement are letters dated the 25th January 2024 indicting her position as administrator to the Management Company, emails dated the 29th January 2024 dealing with her resignation as a Director of the Respondent Company and a letter dated the 16th of June 2025 from the current Directors of the Company which includes a Statement of

Truth confirming Mrs. Sharon Murray is not an Intermediate Landlord or Officer of the Respondent Company.

Discussion

5. There is clearly conflicting evidence on the part of both the applicant and Mrs. Sharon Murray.
6. We have also had the benefit of looking at the original lease in relation to the premises which is dated the 4th of June 1982 between Windsor Nurseries Co-Ownership Housing Society Limited, Binbevel Limited and Salim Ali Kaaba and Maliika Sawdra Kaaba which relates to the premises being 22 Barnard Avenue, Colin Way, Ely, Cardiff ("the Lease").
7. Paragraph 4 of the Lease is set out in the following terms
"the society intends to convey the said land to the management company by a conveyance of even date executed immediately after the execution of this lease and subject to, inter alia, the term of year hereby granted"
8. Binbevel Limited is defined in the lease as the 'Management Company' and the lease term was 1000 years commencing on the 29th of September 1981.
9. Having considered all the evidence in this matter we find as a fact that for the reasons set out below Mrs Sharon Murray is not an Intermediate Landlord in relation to this specific application.
10. We come to this conclusion on the basis that the current Directors of the Respondent company have all signed a witness statement bearing a statement of truth confirming that to be the case whereas the Applicant in a statement sent by email on the 12th of June 2025 set out his position as follows " I am of the understanding that Mrs Sharon Marie..... is the intermediate landlord for Binbevel Ltd...." The basis of this assertion being minutes of a meeting dated the 5th of March 2024, which can be found at page 50 of the bundle.
11. This meeting clearly predates confirmation by the now Directors of the Respondent company as to Mrs Sharon Murray's status.
12. In addition, even if we are incorrect in our conclusion, the Lease provides and in essence requires the Respondent company to have become the **Landlord and Freeholder** as per Clause 4 (as referred to above). As a consequence, without any written variation to the lease in respect of which we have no evidence it would not be possible for Mrs Murray to be the Interim Landlord.
13. As a result of our findings, we direct that any reference to Mrs. Sharon Murray is excluded from this Application going forward and as a result of this preliminary hearing the following Amended Directions have been made;

IT IS ORDERED THAT:

1. The **parties shall by 4pm 27th August 2025** exchange and file at the Tribunal (one electronic copy and two hard copies) of a Valuation Report in relation to the premium to be paid for the purchase of the freehold containing calculations and details of all comparable properties upon which they are to rely. The report should contain good quality colour photographic evidence of the internal aspects of the property. Such Report should be prepared by a suitably qualified Chartered Surveyor as at the valuation date of 30th November 2020 and shall contain a Statement of Truth ("I believe that the facts in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth") and comply with the requirements of his/her professional body.
2. The **parties by 4pm 24th September 2025** are to file at the tribunal (one electronic copy and two hard copies) and serve upon the other party (1 electronic copy):
 - a. A memorandum of agreement /disagreement between the parties' respective surveyors.
 - b. Written Representations in relation to any other issues that remain in dispute between the parties, identified in the application to the Tribunal and the parties respective Notices/reports.
3. The **parties are by 4pm on 24th September 2025** to advise the tribunal if an oral hearing is required to determine this matter. Please note that the tribunal may of its own accord decide that a hearing is necessary once all of the evidence has been provided in accordance with these directions, and so the parties are to provide the tribunal with details of their availability to attend at an oral hearing in the hearing window of **20th October 2025 – 14th November 2025**.

Please note that the hearing may take place digitally using the tribunal's remote hearing room on Microsoft Teams. The parties are to confirm by 24th September 2025 that they have internet access and a web browser (smartphone, tablet, laptop or desktop PC) and/or telephone to take part in the hearing. It is a matter for the tribunal as to whether the hearing will take place in person or remotely and the tribunal may decide to hold a hearing or to hear the case in person even if the parties express a wish for the matter to be dealt with on the papers or at a video hearing.

4. The application shall be determined by the Tribunal at a date and time to be notified. Following receipt of the valuation reports, if the tribunal deem an inspection is necessary then you will be notified of the details in due course.

5. All correspondence between the parties shall be copied to the Tribunal and marked as such.
6. Each party is at liberty to apply for further directions.

WARNING

It is important that these Directions are complied with. Failure to do so may result in the Tribunal being unable to consider important evidence or documents which could prejudice your case.

DATED this 28th day of July 2025

Tribunal Judge
T Lloyd