



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

**Case reference** : **LON/00AY/LRM/2014/0020**

**Property** : **1A Lansdowne Way, London SW8  
1HP**

**Applicant** : **1A Lansdowne Way RTM Company  
Limited**

**Representative** : **Samuels & Co Solicitors**

**Respondent** : **Graytech Limited**

**Representative** :

**Type of application** : **Application for an order that the  
RTM Company is to acquire the  
Right to Manage**

**Tribunal member(s)** : **Mr Jeremy Donegan (Tribunal  
Judge)  
Mr Luis Jarero BSc FRICS (Valuer  
Member)**

**Date and venue of  
paper hearing** : **16 October 2014  
10 Alfred Place, London WC1E 7LR**

**Date of decision** : **16 October 2014**

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**DECISION**

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## **Decisions of the tribunal**

- (1) The tribunal orders that the Applicant is to acquire the Right to Manage ("RTM") the property known as 1A Lansdowne Way, London SW8 1HP ("the Property") with effect from 16 October 2014 pursuant to section 85(2) of the Commonhold and Leasehold Reform Act 2002 ("the 2002") Act.

## **The application**

1. The Applicant seeks an order that it is to acquire the RTM the Property.
2. The application was received by the tribunal on 04 August 2014 and directions were issued on 08 August 2014. These included provision that the case could be determined on paper. None of the parties has objected to this allocation or requested an oral hearing. The paper determination took place on 16 October 2014.
3. The Applicant filed a bundle of documents in accordance with the directions that included copies of the application, its certificate of incorporation, memorandum and articles of association, Land Registry searches for the freehold and leasehold titles at the Property and various additional documents.
4. The relevant legal provisions are set out in the Appendix to this decision.

## **The background**

5. The Respondent is the freeholder of the Property, which consists of four leasehold flats that are held by qualifying tenants.
6. The Applicant is an RTM Company and the members of the Company are the leaseholders of the two flats in the Building.
7. The Applicant has been unable to serve a Claim Notice pursuant to section 79 of the 2002 Act, as the Respondent Company was incorporated in the British Virgin Islands and cannot be traced. The qualifying tenants at the Property have lost contact with the Respondent.

## **Evidence and submissions**

8. The hearing bundle contained statements confirming that the relevant requirements of sections 78 and 79 of the 2002 Act are fulfilled

together with copies of the notices of invitation to participate in the RTM claim, served by the Applicant.

9. The bundle also contained copies of an enquiry agent report and advertisements placed in the London Gazette, South London Press and Wandsworth Guardian, in accordance with the directions. The enquiry agent was unable to trace the Respondent and there has been no response to the advertisements.

### **The tribunal's decision**

10. The Applicant is entitled to an order that it is to acquire the RTM the Property and the order takes effect from today's date.

### **Reasons for the tribunal's decision**

11. Having studied the application and hearing bundle the tribunal is satisfied that the Applicant is a valid RTM Company, the Respondent cannot be served with a claim notice and the requirements of sections 78, 79 (5) and 85(1), (3) and (4) of the 2002 Act have been complied with. Accordingly the Applicant is entitled to an order under section 85(2) of the 2002 Act.

**Name:** Tribunal Judge  
Donegan

**Date:** 16 October 2014

## **Appendix of relevant legislation**

### **Commonhold and Leasehold Reform Act 2002**

#### **Section 85**

- (1) This section applies where a RTM company wishes to acquire the right to manage premises –
  - (a) complies with subsection (4) or (5) of section 79, and
  - (b) would not have been precluded from giving a valid notice under that section with respect to the premisesbut cannot find, or ascertain the identify of any of the persons to whom the claim notice would be required to be given by subsection (6) of that section.
- (2) The RTM company may apply to the appropriate tribunal for an order that the company is to acquire the right to manage the premises.
- (3) Such an order may be made only if the company has given notice of the application to each person who is the qualifying tenant of a flat contained in the premises.
- (4) Before an order is made the company may be required to take such further steps by way of advertisement or otherwise as is determined proper for the purpose of tracing the persons who are –
  - (a) landlords under leases of the whole or any part of the premises,
  - (b) parties to such leases otherwise than as landlord or tenant.

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