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

**Case reference** : **LON/00BG/LRM/2014/0018**

**Property** : **8 Tapp Street, London E1 5RE**

**Applicant** : **8 Tapp Street RTM Co Limited**

**Representative** : **Mr. J. Singh**

**Respondent** : **FTZ Limited**

**Representative** : **Mr. M. Paine**

**Type of application** : **Application in relation to the denial  
of the Right to Manage**

**Tribunal Judge** : **Ms N Hawkes**

**Date and venue of  
paper determination** : **15<sup>th</sup> August 2014 at 10 Alfred Place,  
London WC1E 7LR**

**Date of decision** : **15<sup>th</sup> August 2014**

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**DECISION**

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## **Decision of the tribunal**

The Tribunal determines the applicant is entitled to acquire the right to manage the property. By section 90(4) of the Commonhold and Leasehold Reform Act 2002 (“the 2002 Act”), the acquisition date will be the date three months after this determination becomes final. By virtue of section 84(7) of the 2002 Act, this determination will become final (a) if not appealed against, at the end of the period for bringing an appeal, or (b) if appealed against, at the time when the appeal (or any further appeal) is disposed of.

## **The application**

1. This is an application by the applicant RTM company under section 84(3) of the 2002 Act for a determination that it was on the relevant date (the date on which the notice of claim was given to the respondent) entitled to acquire the right to manage the property.
2. By a claim notice dated 9<sup>th</sup> June 2014, the applicant gave notice that it intended to acquire the Right to Manage the property on 16<sup>th</sup> October 2014.
3. By a counter notice dated 25<sup>th</sup> June 2014, the respondent disputed the claim alleging that the applicant had failed to establish compliance with section 79(2) of the 2002 Act.
4. The Tribunal has been informed that the property is a building consisting of seven flats and that the applicant RTM company was established on 12<sup>th</sup> September 2013 through the participation of four of the leaseholders, namely, Jeevan Singh of flat G, Hau Bai of flat F, Rajesh Ahir of flat A and Malweg Roy Charles of flat D.
5. By letter dated 23<sup>rd</sup> July 2014, Circle Residential Management Limited, acting on behalf of the respondent, explained that the respondent objects to the claim notice on the grounds that the applicant has provided no proof that an invitation to participate was served on the leaseholders of flats C and E of the property. Accordingly, this is the sole issue to be determined.
6. Section 79(2) of the 2002 Act provides:  
  
*(2) The claim notice may not be given unless each person required to be given a notice of invitation to participate has been given such a notice at least 14 days before.*
7. Section 111(5) of the 2002 Act provides:

*(5) A company which is a RTM company in relation to premises may give a notice under this Chapter to a person who is the qualifying tenant of a flat contained in the premises at the flat unless it has been notified by the qualifying tenant of a different address in England and Wales at which he wishes to be given any such notice.*

8. The applicant relies upon a witness statement dated 18<sup>th</sup> July 2014 prepared by Mr Qalab Ali, the Director of Hexagon Property Co Limited, a company which was instructed to act on behalf of the applicant.
9. Mr Ali states at paragraph 5 of his witness statement that the notices were hand delivered to the last known addresses for flats B, C and E which he obtained from the Land Registry. The address on the proprietorship register of the proprietor of Flat C is Flat C itself and the address on the proprietorship register of the proprietor of Flat E is Flat E itself.
10. I accept Mr Ali's evidence and find as a fact that notices inviting participation were served on the leaseholders of flats C and E by hand delivering the notices to the flats in question and that this constitutes good service in accordance with section 111(5) of the 2002 Act. I also find that the date of service is as stated in the applicant's Statement of Case, namely 16<sup>th</sup> September 2013.
11. Accordingly, I find that the applicant is entitled to acquire the right to manage the property. By section 90(4) of the Commonhold and Leasehold Reform Act 2002 ("the 2002 Act"), the acquisition date will be the date three months after this determination becomes final.
12. By virtue of section 84(7) of the 2002 Act, this determination will become final (a) if not appealed against, at the end of the period for bringing an appeal, or (b) if appealed against, at the time when the appeal (or any further appeal) is disposed of.

Judge Naomi Hawkes

Date 15<sup>th</sup> August 2014