



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

Case Reference : **LON/OOAL/LRM/2015/0026**

Property : **Wolsey Court, Court Road, London
SE9 5AE**

Applicant : **Wolsey Court RTM Company
Limited**

Representative : **Urban Owners**

Respondent : **Dashwood Properties Limited**

Representative : **Warners solicitors**

Type of Application : **Right to Manage**

Tribunal Members : **Judge Tagliavini
Miss M Krisko, FRICS**

Date and venue of PTR : **10 Alfred Place, London WC1E 7LR**

Date of Decision : **27 October 2015**

DECISION

- (1) The tribunal determines that the Applicant is entitled to acquire the right to manage the subject premises together with the garages forming part of the demise as sought in its application.

The application

1. The Applicant seeks a determination pursuant to Chapter 1, Section 84(3) of the Commonhold and Leasehold Reform Act 2002. A Notice of Claim was served on or around 2 July 2015 and the Respondent, the head leaseholder served a Counter Notice dated. The freehold owner of the subject building made no objection to the application.

The Respondent's case

2. In the counter notice and supporting documentation, the respondent made two objections to the right to manage.
 - (i) The subject premises do not consist of a self-contained building or part of a building as required by section 72 of the Act but comprise of two separate self contained buildings; *Triplerose Ltd v Ninety Broomfield Road Co Ltd* 2015 EWCA Civ 282.
 - (ii) The Applicant has failed to comply with section 78 and 111 of the Act as it has failed to give notice inviting participation to all qualifying tenants, namely flats 2 and 9.
3. No further objections were made in the counter notice although in its supporting witness statement, the Respondent also asserted that the store located next to the block should be excluded from the right to manage as it was owned by the Respondent. However, no further evidence was provided in respect of this assertion and the Applicant made no objection to the Respondent's request.

The Applicant's case.

2. In response the Applicant provided proof of service of the invitation inviting participation of the various lessee. The Applicant also asserted that the subject premises had historically been managed as one building, including by the respondents and is held on a single title and is defined as a structurally detached building.

The tribunal's decision

3. The tribunal finds that the application for the right to manage has been validly made and invitations to participate have been given to all relevant leaseholders. Further, the tribunal finds that for the purpose of this application the subject property is to be regarded as a single building and the Applicant is entitled to the right to manage as sought in its application.

4. The tribunal is of the opinion that the objection to the store being included in the right to manage application should have more properly been raised in the counter notice. In the absence of evidence to support the respondent's assertions, the tribunal declines to make such an order as requested by the Respondent and reiterates that the right to manage is made as sought by the Applicant in its application.

Signed: Judge Tagliavini

Dated: 27 October 2015.