



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

Case Reference : **Lon/00BE/LRM/2015/0003**

Premises: **236-238 Old Kent Road, London Se1 5UB**

Applicant : **236-238 Old Kent Road RTM
Company Limited**

Representative : **Ms Angela Clark Director**

Respondent : **Mr Ashgar Ali Chaudry**

Representative : **Mr Jamil Ahmud, Bloomsbury Law**

Type of Application : **Section 84(3) Commonhold and Leasehold
Reform Act 2002 – to determine whether
on the relevant day the RTM company eas
entitled to acquire rthe right to manage the
premises**

Tribunal Member : **Judge John Hewitt**

Date of Determination : **12 February 2015**

Date of Decision : **12 February 2015**

DECISION

Decision

1. The decision of the tribunal is that on the relevant date the applicant RTM company was entitled to acquire the right to manage the premises.
2. The reasons for this decision are set out below.

Background

3. The applicant served on the respondent a claim notice pursuant to section 79 of the Act. The claim notice is dated 7 October 2014.
4. Solicitors for the respondent served on the applicant a counter-notice. It is dated 8 November 2014. That counter-notice alleged that on the date the notice was given the RTM company was not entitled to acquire the right to manage. The reasons given were:
 - 4.1 the premises do not qualify;
 - 4.2 the RTM company does not qualify; and/or
 - 4.3 the members of the RTM company do not represent half of the flats in the premises.
5. On 2 January 2015 the tribunal received an application from the applicant pursuant to section 84(3) of the Act.
6. By directions dated 8 January 2015 the parties were notified that the tribunal proposed to determine the application on the papers and without an oral hearing pursuant to rule 13. No objections and no request for an oral hearing has been received.
7. Direction 2 provided that the application form and attachments to it were to be taken as the applicant's statement of case. Direction 3 required the respondent to serve on the applicant a statement of case in reply by 23 January 2015. The direction expressly stated the need to give precise detail of the three matters raised in the counter-notice. Direction 4 entitled the applicant to serve a statement of case in answer and for copies of the statements of case to be sent to the tribunal.
8. By letter dated 4 February 2015 the applicant informed the tribunal that no statement of case had been received from the respondent, despite follow up contact with the respondent's solicitors. Further materials were submitted to support the applicants case that it was entitled to acquire the right to manage the premises.

Reasons

9. I have given careful consideration to the materials provided by the applicant which appear to show that on the relevant date it was entitled to acquire the right to manage the premises. Those materials addressed each of the three broad and unspecific points raised by the respondent in his counter-notice.

10. I accept the applicant's statement that the respondent has failed to serve a statement of case. I note that the respondent has failed to engage in or take any steps in these proceedings.
11. In these circumstances I am satisfied that on the relevant date the applicant RTM company acquired the right to manage the premises. I have therefore made a determination to that effect.

Judge John Hewitt
12 February 2015