



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

**Case Reference** : **MAN/00CG/LRM/2022/0004**

**Property** : **Royal Riverside, 60 Priestley Street, Sheffield**

**Applicants** : **ROYAL RIVERSIDE RTM COMPANY LTD**

**Respondent** : **FREE LAND PROPERTY LIMITED**

**Type of Application** : **For a determination as to right to manage pursuant to Commonhold and Leasehold Reform Act 2002, part 2, chapter 1.**

**Tribunal Members** : **A M Davies, LLB  
J Jacobs, MRICS**

**Date of Decision** : **12 September 2022**

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**DECISION**

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## DECISION

The application for a determination as to the Applicant's right to manage Royal Riverside is dismissed.

## REASONS

1. On 7 March 2022 the Tribunal received an application from Mr Jarvis representing Royal Riverside RTM Company Ltd. There is no such company registered at Companies House. Nevertheless the Respondent has replied to the application and this order is made in respect of the intended Applicant Royal Riverside Sheffield RTM Company Limited.
2. The application for a determination as to the Applicant's right to manage Royal Riverside pursuant to chapter 1, part 2 of the Commonhold and Leasehold Reform Act 2002 (the Act) is rejected for the following reasons:
  - 2.1 the Applicant has not shown that Notice of Invitation to Participate was served on every qualifying leaseholder at Royal Riverside (section 78(1) of the Act);
  - 2.2 the Applicant has not disclosed its Register of Members and it is not possible to establish that not less than 50% of qualifying leaseholders are members of the Applicant;
  - 2.3 the Notice of Intention to Participate dated 29 October 2021 is defective in that it does not provide the name of the Respondent Landlord (section 78(3) of the Act and paragraph (2)(b) of the Right to Manage (Prescribed Particulars etc) England) Regulations 2010 (the Regulations));
  - 2.4 the Applicant has not shown that a copy of the Applicant's articles of association was sent with each Notice of Invitation to Participate. The Notice does not include a statement about inspection and copying of the articles of association (section 78(4) and (5) of the Act);
  - 2.5 the Claim Notice dated 11 January 2022 refers to a claim by a non-existent company, Royal Riverside RTM Company Ltd and does not give the name of the right to manage company (section 80(5) of the Act);
  - 2.6 The Applicant has not shown that a copy of the Claim Notice was sent to each qualifying tenant (section 79(8) of the Act);
  - 2.7 The Claim Notice does not include the registered number of the Applicant (Section 80(9) and Schedule 2 to the Regulations).

3. Section 78(7) of the Act states “A notice of invitation to participate is not invalidated by any inaccuracy in any of the particulars required by or by virtue of this section”.

Section 81(1) of the Act provides that “A claim notice is not invalidated by any inaccuracy in any of the particulars required by or by virtue of section 80”

4. However the errors and omissions in the Notice of Invitation to Participate and the Claim Notice are failures to provide mandatory information required by the Act. In *Assethold Limited v 15 Yonge Park RTM Co Ltd* [2011] UKUT 379 (LC) Her Honour Judge Walden-Smith stated:

“18...Section 80 sets out mandatory requirements of what must be included in the claim form. A failure to provide those details would clearly prevent the claim form from being valid, otherwise there would no purpose in the statute providing that the inclusion of those details is a mandatory requirement....

19. Providing the wrong name or the wrong registered office of the RTM company in my judgement, an inaccuracy. It is a failure to provide the mandatory information....

20. In my judgment, a failure to provide the information required in paragraphs 80(2) to 80(8) results in the claim notice being invalid.”

5. In *Assethold Limited v 13-24 Romside Place RTM Company Limited* [2013] UKUT 603 (LC) His Honour Judge Huskinson followed this judgment, and said further at paragraph 15: “If a claim notice is given in circumstances where there has not been service of a valid NIP as contemplated by section 79(2) then the claim notice is invalid.”
6. It follows that the Applicant has served neither a valid Notice of Invitation to Participate nor a valid Claim Notice.
7. Costs are provided for at section 88(3) of the Act and should be agreed between the parties if possible.

AM Davies  
Tribunal Judge  
12 September 2022