



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

Case Reference : **MAN/00BS/LOA/2019/0001**
Property : **23, Mauldeth Road, Stockport SK4 3NE**
Applicant : **23 Mauldeth Road RTM Company Limited**
Represented by : **Pabla and Pabla, Solicitors**
Respondent : **Harry & Barbara Schoenfeld**
Type of Application : **Commonhold & Leasehold Reform Act 2002 – Section 85(2)**
Tribunal Members : **Judge C. Wood
Judge L. Bennett**
Date of Decision : **5 June 2019**

DECISION

Order

1. Pursuant to section 85(2) of the Commonhold and Leasehold Reform Act 2002, (“the Act”), the Tribunal orders that the Applicant is to acquire the right to manage the Property without being required to serve a claim notice under section 79.
2. In accordance with section 90(6) of the Act, the Tribunal determines that the date of acquisition is 14 days from the date of this Order.

Background

3. By an application dated 24 January 2019, (“the Application”), the Applicant made an application relating to (no fault) right to manage claim in respect of the Property.
4. A statement by the Applicant’s solicitors in support of the Application stated as follows:
 - 4.1 the Property is divided into three leasehold titles;
 - 4.2 the three leaseholders are the members and directors of the Applicant;
 - 4.3 there are no other tenants who are required to receive notice of participation under section 78 of the Act;
 - 4.4 the freehold title is registered in the joint names of Harry and Barbara Schoenfeld;
 - 4.5 none of the three leaseholders has had any contact with Mr. or Mrs. Schoenfeld;
 - 4.6 the leaseholders’ attempts to contact Mr.& Mrs.Schoenfeld by letter had been unsuccessful;
 - 4.7 the Applicant’s solicitors engaged trace agents who believed that Mr.Schoenfeld may have passed away and identified a Ms Zoe Rebecca Cassidy, believed to be the daughter of Mr.& Mrs. Schoenfeld. Letters sent to Ms Cassidy have received no response.
5. Directions dated 27 February 2019 were issued.
6. In a statement by Andrew Mark Birgstock Trasler, director of the Applicant, dated 27 March 2019, the matters requiring confirmation in the Directions were addressed by provision of the following documentary evidence:
 - 6.1 the Applicant’s incorporation documents;
 - 6.2 Land Registry documents relating to the freehold and leasehold titles;
 - 6.3 report of search agents and copy letters sent to Ms Z.Cassidy.
 - 6.4 confirmation that the three qualifying tenants are members and directors of the Applicant.

Reasons

7. Having regard to the documentary evidence provided by the Applicant, the Tribunal was satisfied that proper steps had been taken by the Applicant to ascertain the identity of the landlord of the Property but that these had not been successful.
8. In the circumstances, the Tribunal considered that it was reasonable to make an order that the Applicant is to acquire the right to manage the Property.
9. The Tribunal further considered that the date of acquisition should be 14 days from the date of this Order.

Tribunal Judge C Wood

10 June 2019