



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

Case Reference : CHI/00HH/OCE/2018/0021

Property : Kelvin Court, Overhang Road, Brixham
TQ5 8AR

Applicant : Kelvin Court Management Association
RTM Company Limited

Representative : Stephens Scown LLP

Respondent : Kelvin Court Brixham Limited

Representative : Mrs L Newell

Type of Application : Collective Enfranchisement

Tribunal Member(s) : Judge D. R. Whitney

Date of Determination : 10th July 2020

DETERMINATION

Background

1. The Applicant seeks a determination of the premium and terms of acquisition pursuant to section 24 of the Leasehold Reform Housing and Urban Development Act 1993.
2. The application was first made in July 2018. Various sets of directions and stays have been issued by the tribunal. Eventually the premium was agreed between the parties which left the terms of the transfer to be agreed.
3. Despite directions being issued the respondent has failed to engage with the process. The final directions were made on 22nd January 2020. The Respondent was required to send any representations as to the form of transfer by 30th January 2020. In default they were de-barred from further disputing the terms of the transfer.
4. No representations have been received from the Respondent. The respondent accordingly has been de-barred from disputing the transfer proposed by the Applicant.

Determination

5. The tribunal has considered the application, supporting documents and the tribunal file. Annexed to this determination is a copy of the transfer.
6. The tribunal is satisfied that the terms proposed within the transfer annexed to this determination are proper and reasonable terms of acquisition under the Leasehold reform Housing and Urban Development Act 1993. The transfer annexed to this determination records the terms of acquisition.
7. The tribunal notes that the Applicant has previously indicated it wishes to pursue an application pursuant to Rule 13 of the Tribunal Procedure Rules. Any such application should be made within 28 days of the date of this determination.

Judge D. R. Whitney

RIGHTS OF APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28 day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking