



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

Case references	:	LON/00BH/HMF/2021/0163 LON/00BH/HMF/2021/0211 LON/00BH/HMF/2021/0214
Property	:	Aston Grange Care Home, 484-512, Forest Road, London E17 4NZ
Applicants	:	(1) Benjamin Longley (2) Patrick Sterling (3) The 28 people named in the schedule accompanying application LON/00BH/HMF/2021/0214
Representative	:	Flat Justice CIC George Penny
Respondents	:	(1) Global Guardians Management Ltd. (2) Aston Grange Care Ltd. (3) Acer Investments Ltd. (4) Yasim Karim (5) Global 100 Ltd.
Representative	:	Kelly Owen Ltd. Solicitors (for the fifth Respondent); Anthony Owen
Type of application	:	Application for rent repayment orders by tenants Sections 40, 41, 43, & 44 of the Housing and Planning Act 2016
Tribunal	:	Tribunal Judge Professor Robert Abbey Stephen Mason FRICS
Date of Hearing	:	16 March 2023
Date of Decision	:	17 March 2023

DECISION in 2021/0163

- (1) The Tribunal has received three applications under section 41 of the Housing and Planning Act 2016 (the Act) from the various applicants for rent repayment orders (RROs).

- (2) A case management hearing was heard by Judge Walker who wrote -

“In the application with reference number LON/00BH/HMF/2021/0163 brought by Mr. Longley, the named Respondents are the First to the Fourth Respondents, the fifth Respondent is not named. In all other cases the only named Respondent is the Fifth Respondent. Mr. Weiss made it clear that in all cases the only Respondent against whom an order is sought is the Fifth Respondent. He invited the Tribunal to substitute the Fifth Respondent for those respondents named in Mr. Longley’s application. Mr. Owen on behalf of the Fifth Respondent objected to this on the basis that this would have the effect that Mr. Longley’s application was out of time as against the Fifth Respondent. The Tribunal concluded that the issue of whether or not any application against the Fifth Respondent was in time or not would need to be determined when the applications themselves are determined. In Mr. Longley’s case he will need to show on what basis he is entitled to an order against Global 100 Ltd. However, the Tribunal concluded that the mere act of substituting the Fifth Respondent for those previously named would not of itself prejudice them as it was open to them to raise the limitation point.”

- (3) To that end Judge Walker later directed that -

“Pursuant to rule 10 of the Rules Global 100 Ltd. is substituted for the four named Respondents in the application brought by Mr. Longley (LON/00BH/HMF/2021/0163). Mr. Longley will need to show in due course that his application against Global 100 Ltd. has been brought within time.”

- (4) A hearing of this matter took place on 16 March when the Tribunal received written submissions and heard oral submission on this specific issue affecting the application made by Mr Longley.

- (5) The applicant set out a chronology –

“The following chronology is relevant to making this determination:

A. Mr Longley left the property on the 10th of July 2020.

B. RRO1 Application submitted on 1st of July 2021. On the RRO1 form, Global Management Limited and the owners of the building are listed as Respondent.

C. On 29 July 2021, COA Rakusen V Jepsen found that Applicants must make claims against their ‘immediate landlord’

D. On the 18th of July 2021, the Applicants requested that the Respondent in BL’s case be changed to Global 100 Ltd in light of Rakusen.”

- (6) The Applicants accepted that Mr Longley made his request to change the Respondent more than 12 months after the date Mr Longley left the

property. However, the Applicant contended that Global 100 Limited had effectively been served notice of proceedings on 1 July 2021. The applicant makes this assertion because Global 100 Limited and Global Management Limited “*are two branches of the same company, sharing the same Directors and the same offices.*”

- (7) The applicant went on to say that “*Indeed the distinction between the 2 companies has been the subject of deliberation already at the property tribunals which have concluded that it is very difficult to distinguish them, nor can the company officers make a clear explanation.*” To support this the applicant provided an excerpt from the decision in LON/00AT/HNA/2021/0021, LON/00AT/HMK/2021/0003 & LON/00AT/HMK/2021/0008. The Tribunal in that case observed that “*The explanation provided to the Tribunal as to the relationship between GGM and G100 has been vague, unclear and wholly unsatisfactory. They have worked closely together and their operations appear to be entirely Intertwined*”.
- (8) On the other hand the Respondent asserted that the application was out of time as the deadline was not capable of enlargement, it being a strict time limit set down by statute. Similarly the Respondent stated that the two companies were completely separate and were not even in a group of companies.
- (9) The Tribunal agreed with the respondent. Mr Longley made his request to change the Respondent more than 12 months after the date Mr Longley left the property. He was out of time having commenced his application previously without referring to the appropriate respondent. The licence agreement was clear, the applicant’s agreement was with the fifth respondent and not the respondent named in the original application. It would be inappropriate of this tribunal to somehow enable an applicant to change horses mid-stream when there were clear time limits in place that would otherwise need to be strictly adhered to.
- (10) Rights of appeal are set out in an annexe to this decision.

Name: Tribunal Professor Robert Abbey

Date: 17 March 2023

Annexe

Rights of Appeal

1. If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber) then a written application for permission must be made to the First-tier Tribunal at the Regional office which has been dealing with the case.

2. The application for permission to appeal must arrive at the Regional office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.
3. If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal, and state the result the party making the application is seeking.