



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

**Case reference** : **BIR/31UE/LOA/2024/0001**

**Properties** : **21 – 31 (odd numbers) Hill Street,  
Barwell, Leicester LE9 8BJ**

**Applicant** : **21 – 31 Hill Street RTM Company Ltd**

**Representative** : **Urang Property Management Ltd**

**Respondents** : **(1) Williams-Anderson Homes Ltd  
(2) Hillside Barwell Management Co Ltd**

**Representative** : **None**

**Type of application** : **Application relating to (No Fault) Right  
to Manage**

**Tribunal members** : **Judge C Goodall  
Mr V Ward BSc FRICS – Regional  
Surveyor**

**Date and place of  
hearing** : **Paper determination**

**Date of decision** : **11 June 2024**

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**DECISION**

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## **Background**

1. By an application dated 22 March 2024, the Applicant seeks a determination that it has acquired the right to manage the building at 21 – 31 (odd numbers) Hill Street, Barwell, Leicester LE9 8BJ (“the Property”) following service of a claim notice dated 15 January 2024.
2. The Property consists of six residential flats.
3. The parties to the leases are Williams-Anderson Homes Ltd (freeholder), Hillside Barwell Management Co Ltd (management company) (both companies being “the Respondents”) and the relevant lessee.
4. Under the Commonhold and Leasehold Reform Act 2002 (“the Act”), the claim notice must be served upon the freeholder landlord and any party to the lease otherwise than as landlord or tenant. So both Respondents were required to be served.
5. In fact, both Respondent companies have been dissolved and so cannot be served.
6. The Tribunal agreed to treat the application as a missing landlord case under section 85 of the Act.
7. The Applicant has provided a bundle of documents which include:
  - a. A copy of the Memorandum and Articles of the Applicant;
  - b. A copy of the lease for 23 Hill Street (and we assume that all the flats are let on identical terms save as to dates and the demise). The lease term is 99 years from 1 May 2008;
  - c. A copy of an Invitation to Participate given to the lessees of 25, 29 and 31 Hill Street which indicates that the members of the Applicant are Alastair David Garrod (1) and Gavin Michael Sansom and Janet Rachel Furniss (2) and which is dated 12 December 2023;
  - d. A copy of the Claim Notice which states that the members of the Applicant company are as set out in the Notice of Invitation to Participate. Mr Garrard is stated to be the lessee of Flats 21 and 23 Hill St, and Mr Sansom and Ms Furniss the joint lessee of Flat 27 Hill St;
  - e. Notification under section 85(3) of the Act to the lessees of 25, 29 and 31 Hill Street confirming that the application to the Tribunal under section 85 of the Act was being made, dated 22 March 2024.
8. No lessee has raised any objection to the application.

9. The Tribunal has considered the application on the papers provided and without a hearing and our determination is as set out below.

### **Discussion and determination**

10. We are satisfied from our own knowledge and from observation on Google Street View that the Property is a self-contained building containing six residential flats. We are satisfied that the Applicant is a properly constituted RTM company. We are satisfied that all lessees are qualifying tenants (as defined in section 75 of the Act).
11. The Invitation to Participate is in proper form, as required by section 78 of the Act.
12. We are satisfied that the proportion of qualifying tenants who were members of the Applicant as at the date of the Claim Notice constituted not less than half of the qualifying tenants at the Property.
13. We are satisfied that the Claim Notice is also in proper form as required by section 79 of the Act.
14. However, we note that as the Respondent companies have been dissolved, it is not possible to ascertain the identity of any person upon whom the Claim Notice should be served.
15. Section 85 of the Act allows the Tribunal to make an order that the Applicant is to acquire the right to manage in these circumstances. We are satisfied that the Applicant has complied with sub-section 85(3) of that section.
16. Accordingly, we determine that the Applicant acquires the right to manage the Property.
17. We specify that the date of acquisition is to be 24 June 2024 (see section 90(6) of the Act).

### **Appeal**

18. Any appeal against this decision must be made to the Upper Tribunal (Lands Chamber). Prior to making such an appeal the party appealing must apply, in writing, to this Tribunal for permission to appeal within 28 days of the date of issue of this decision (or, if applicable, within 28 days of any decision on a review or application to set aside) identifying the decision to which the appeal relates, stating the grounds on which that party intends to rely in the appeal, and stating the result sought by the party making the application.

Judge C Goodall  
First-tier Tribunal (Property Chamber)