



FIRST-TIER TRIBUNAL  
PROPERTY CHAMBER  
(RESIDENTIAL PROPERTY)

Case reference : CAM/26UE/LRM/2022/0007

Property : 43 High Street, Bushey  
Hertfordshire WD23 1BD

Applicant : 43 High Street RTM Company  
Limited

Representative : RTMF Services Limited

Respondent : Assehold Limited

Representative : Scott Cohen Solicitors Limited

Type of application : Application in relation to the denial  
of the right to manage

Tribunal : Judge David Wyatt

Date of directions : 25 April 2023

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DECISION

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Decision

The Tribunal determines that the Applicant was on the relevant date entitled to acquire the right to manage the Property.

Reasons

Application

1. On 16 December 2022, the Applicant RTM company applied to the tribunal under section 84(3) of the Commonhold and Leasehold Reform Act 2002 (the "Act") for a determination that, on the relevant date, it was entitled to acquire the right to manage the Property.

## Background

2. By a claim notice dated 19 October 2022, the Applicant gave notice that they intended to acquire the right to manage the Property. By a counter notice dated 24 November 2022, the claim was disputed. The Respondent referred to section 72(6) of the Act, alleging (in effect) that there were substantial non-residential parts of the Premises.
3. On 25 January 2023, the tribunal gave case management directions. The Applicant was to produce their case documents with the relevant floor plans and measurements. By 20 February 2023, the Respondent was to produce their case documents in response. Following receipt of the Applicant's case documents, the Respondent applied for an extension of time but failed to produce its case documents by the extended deadline. Following a further direction and strike-out warning, the Respondent wrote on 13 March 2023 to confirm that having investigated further they sought to withdraw their counter notice and agreed that the Applicant had acquired the right to manage on the relevant date. By Rule 31(3), the parties are taken to have consented to this matter being decided without a hearing.
4. On 23 March 2023, this decision was sent to the parties in draft with an explanatory letter and they were invited to make any comments on it by 30 March 2023. It appears that neither party made any submissions but the applicant's representatives have since contacted the tribunal office asking that the decision be issued as soon as possible.

## Conclusion

5. Since the Respondent no longer alleges that the Property falls within paragraph 1 of Schedule 6 to the Act and agrees that the Applicant has acquired the right to manage, I am satisfied that the Applicant was on the relevant date entitled to acquire the right to manage the Property.

Name: Judge David Wyatt

Date: 25 April 2023

## Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

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.

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.

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.

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.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).