



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

Case references	:	LON/00BC/LRM/2023/0036, LON/00BC/LRM/2024/0001 and LON/00BC/LRM/2024/0002
Property	:	1-5, 6-10 and 11-18 Chelsea Mews, 45-47 New Wanstead, London E11 2SA
Applicants	:	Chelsea Mews (1-5) RTM Company Limited, Chelsea Mews (6-10) RTM Company Limited and Chelsea Mews (11-18) RTM Company Limited
Representative	:	RTMF Services Limited
Respondent	:	Property Property Limited
Representative	:	Scott Cohen Solicitors
Type of application	:	Right to Manage
Tribunal members	:	Judge P Korn Ms J Mann MCIEH
Date of determination	:	15 July 2024

DECISION

Paper determination

This has been a determination on the papers. An oral hearing was not held because the Applicants confirmed that they would be content with a paper determination, the Respondent did not object and the tribunal agrees that it is appropriate to determine the issues on the papers alone. The documents to which we have been referred are in an electronic bundle, the contents of which we have noted. The decision made is described immediately below under the heading “Decisions of the tribunal”.

Decision of the Tribunal

On the relevant date:

- Chelsea Mews (1-5) RTM Company Limited was entitled to acquire the right to manage in respect of 1-5 Chelsea Mews, 45-47 New Wanstead, London E11 2SA;
- Chelsea Mews (6-10) RTM Company Limited was entitled to acquire the right to manage in respect of 6-10 Chelsea Mews, 45-47 New Wanstead, London E11 2SA; and
- Chelsea Mews (11-18) RTM Company Limited was entitled to acquire the right to manage in respect of 11-18 Chelsea Mews, 45-47 New Wanstead, London E11 2SA.

The application

1. The Applicants seek a determination pursuant to section 84(3) of the Commonhold and Leasehold Reform Act 2002 (“**the Act**”) that on the relevant date they were entitled to acquire the right to manage in respect of the relevant part of the Property.

Background

2. By claim notices each dated 6 June 2023 the Applicants gave notice to the Respondent that they each intended to acquire the right to manage in relation to the relevant part of the Property on 20 October 2023.
3. The Respondent gave a counter-notice on 11 July 2023 to each Applicant alleging that the relevant Applicant was not entitled to acquire the right to manage in respect of the relevant part of the Property. On 4 August 2023 each Applicant applied to the tribunal for a determination that it was entitled to acquire the said right on the relevant date.

Respondent's case

4. The Respondent originally raised two objections, but it later withdrew one of those objections. The remaining objection is set out below.
5. The Respondent states that the legitimacy of the RTM company is defined under section 73(2)(b) of the Act by reference to the definition of the premises in each RTM company's Articles of Association, and in its contention the definition contained in the Articles of Association does not correspond with the address as set out in the Land Registry freehold title document.
6. Specifically, the Respondent contends that the relevant Applicant has incorrectly stated the street address and has omitted part of the address altogether within the Articles of Association. The Land Registry freehold title document describes the land as "45, 47 and 47a New Wanstead, Wanstead (E11 2SA)". However, in each set of Articles of Association the definition is "[relevant flats] Chelsea Mews 45-47 New Wanstead, London, E11 2SA". The definition contained in the Articles of Association incorrectly includes number 46 (which consists of terraced houses on the opposite side of the street) and omits number 47a.

Applicants' case in response

7. In response, the Applicants state that the three sets of premises are clearly and properly defined in the three sets of Articles of Association and that a reasonable, informed reader would be clear as to the intention of the Applicants. The Applicants have also included in the hearing bundle a copy invoice dated 12 March 2024 from the Respondent's agent, an official copy of register of title for 17 Chelsea Mews, and an official copy of the lease for 2 Chelsea Mews. In its contention all of these documents unequivocally identify the street address as 45-47 New Wanstead, London, E11 2SA. The premises do not include number 46, which is on the opposite side of the street.
8. The Applicants note that in the case of *Avon Grounds Rents Limited v 51 Earls Court Square RTM Company Limited [2016] UKUT 0022 (LC)*, the Upper Tribunal (Lands Chamber) stated at paragraph 30 that "The name of the Company, its objects ("to acquire and exercise in accordance with the 2002 Act, the right to manage the premises") and the powers conferred on the Company by article 5 (which extend to "all such things as may be authorised or required to be done by a RTM Company by and under the 2002 Act") make it indisputable that the Premises specified in articles 1(1) are intended to be Premises capable of forming the subject matter of the statutory right. The document must be read and understood with that in mind, as it would be by any reasonable, informed reader".

Relevant legislation

9. Commonhold and Leasehold Reform Act 2002

Section 73

(2) A company is a RTM company in relation to premises if ... (b) its articles of association state that its object, or one of its objects, is the acquisition and exercise of the right to manage the premises.

Tribunal's analysis

10. The single issue before the tribunal is whether the description of the premises set out in the Articles of Association falls foul of the requirements of section 73(2)(b) of the Act. Under section 73(2)(b), which we have quoted above, a company is a RTM company in respect of premises if (inter alia) its articles of association state that at least one of its objects is to acquire and exercise the right to manage those premises.
11. The Respondent notes an apparent discrepancy between the Land Registry description of the premises and their description in the Articles of Association and contends that this apparent discrepancy is sufficient for the Applicants to have fallen foul of section 73(2)(b). However, it has not brought any legal authority in support of its position and nor has it provided any evidence either (a) that there was actual confusion as to the extent of the premises identified in the articles of association or (b) that there is any practical issue as to the extent of the buildings in respect of which the right to manage is being sought such that there would be reasonable **grounds** for confusion.
12. The Applicants make the point that number 46 is on the other side of the road, although they do not comment specifically in respect of number 47a except to say that the other documents to which they refer (including a copy invoice from the Respondent's own agent) identify the premises as 45-47 New Wanstead.
13. The decision of the Upper Tribunal in *Avon Grounds Rents Limited v 51 Earls Court Square RTM Company Limited* cited by the Applicants arguably deals with a point which is slightly different from the narrow point raised by the Respondent in this case. However, the point still stands that the articles of association should be read as they would be read by a reasonable informed reader. In our view, in the absence of any evidence having been supplied by the Respondent to indicate otherwise and given the reference in other documents to 45-47, the reasonable informed reader would readily understand the extent of the premises in respect of which the right to manage was being sought and would not be confused by small discrepancies between the description

in the Land Registry title and the description in the articles of association.

14. Accordingly, the Applicants acquired the right to manage on the relevant date.

Costs

15. There were no cost applications.

Name: Judge P Korn

Date: 15 July 2024

RIGHTS OF APPEAL

- A. If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber) a written application for permission must be made to the First-tier Tribunal at the regional office dealing with the case.
- B. 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.
- C. If the application is not made within the 28 day time limit, such application must include a request for extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then look at such reason and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.
- D. 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.