



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

**Case reference** : **LON/00AG/LRM/2024/0028**

**Property** : **26 Upper Park Road, London NW3 2UT**

**Applicant** : **Halfdozen Holdings RTM Company Limited**

**Representative** : **The Leasehold Advice Centre**

**Respondent** : **Assethold Limited**

**Representative** : **Eagerstates Limited**

**Type of application** : **No Fault Right to Manage -s.84(3) of the Commonhold & Leasehold Reform Act 2002**

**Tribunal member** : **Judge Tagliavini**

**Venue** : **10 Alfred Place, London WC1E 7LR**

**Date of decision** : **27 November 2024**

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**DECISION**

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## **The tribunal's decision**

1. The tribunal finds the applicant has acquired the right to manage the subject property at **26 Upper Park Road, London NW3 2UT** ('the property') with effect three months after this determination becomes final.
  2. The tribunal directs the respondent to reimburse the applicant within 7 days of this decision being received the application fee of £100.
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## **The application**

2. In an application to the tribunal dated 30 July 2024 the applicant asserted it was entitled to acquire the right to manage the subject property pursuant to s.84(3) of the Commonhold and Leasehold Reform Act 2002 ('the 2002 Act').

## **Background**

3. The subject property comprises a residential house on 4 floors converted into 5 flats numbered B, C, D, E and F all held on long leases. The lessees of three of these flats formed the applicant RTM Company and Notices of Invitation was served on the non-participating lessees. The respondent is the freeholder of the subject property.
4. In a Notice of Claim dated 2 May 2024 and sent to the respondent by certified delivery on the same date, the applicant claimed the right to manage the property with effect from 19 September 2024. Subsequently, the applicant asserts no Counter-Notice was served by or received from the respondent and specifying a date of 18 June 2024 by which any counter-notice must be served. Subsequently, a counter-notice was not received by the applicant but on 1 July 2024 the respondent asserted to the applicant that a Counter-Notice had been served although a copy was not produced.
5. Consequently, due to the respondent's unwillingness to admit the applicant's claim to acquire a right to manage or produce a copy of the Counter-Notice said to have been served, the applicant made this application to the tribunal supported by a Statement & Further Particulars dated 30 July 2024 and signed by Philip Mark Bazin and accompanied by:

1. Completed Application Form
2. Notice of Claim with covering letters & Certificates of Posting

3. Correspondence sent to Scott Cohen Solicitors (with enclosures)
  4. Email exchanges with Mr. Gurvits
  5. Certificate of Incorporation
  6. Memorandum and Articles of Association
  7. Register of Members
  8. Land Registry Freehold, Freehold Title Plan
6. Subsequently, due to the respondent's failure to co-operate with the tribunal's directions and produce a copy of the Counter-Notice with proof of service, the tribunal made an Order dated 11 October 2024 debarring the respondent from defending these proceedings.

### **The hearing**

7. As no party requested an oral hearing the application was determined on the documents provided by the applicant in the form of 232 page electronic hearing bundle. This bundle contained all of the documents required to support the application in addition to a number of witness statements from and on behalf of the lessees and members of the applicant RTM company.

### **Reasons for the tribunal's decision**

8. In making its decision, the tribunal was satisfied from the comprehensive documentation provided and in the absence of any objection by the respondent, that the applicant satisfied the requirements imposed by the 2002 Act and is entitled to acquire the right to manage.
9. In considering the date on which the right to manage should take effect, the tribunal had regard to the provisions of the 2002 Act and determines the applicant is entitled to acquire the right to manage with effect from three months after this determination becomes final.
10. The applicant also requested the reimbursement of the application fee as the application was necessitated by the non-cooperation of the respondent. In all the circumstances, the tribunal considers it is reasonable to require the respondent to reimburse the applicant with the sum paid for making the application. Such sum to be paid within 7 days of this decision being received.

**Name:** Judge Tagliavini

**Date:** 27 November 2024

## **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 should be made on Form RP PTA available at <https://www.gov.uk/government/publications/form-rp-pta-application-for-permission-to-appeal-a-decision-to-the-upper-tribunal-lands-chamber>

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).