



Leasehold 8

Applications relating to Right to Manage

A Right to Manage (RTM) company can request a decision on its entitlement to acquire the RTM.

There are other types of applications that can be made on disputes relating to the process of acquiring the RTM, which depending on the type of application, could be made by a landlord, tenant or RTM company.

Before you apply

List of documents that need to be included with the application:

For applications for Section 84 (3) only:

(under Provisions of Commonhold and Leasehold Reform Act 2002):

- a copy of the claim notice and a copy of any counter notice received

For applications for Section 85 (2) only:

- a statement that the requirements of sections 78 and 79 of the Act have been met
- a copy of the notice given under section 85(3) of the 2002 Act together with a statement that it has been served on all qualifying tenants
- a statement describing the circumstances in which the landlord cannot be identified or traced

For applications for Section 94 (3) only:

- an estimate of the amount of the accrued uncommitted service charges

For applications for Section 99 (1)(b) only:

- a description of the approval sought and a copy of the relevant lease

For applications under Section 107 only:

- a copy of the notice which has not been complied with

For applications for Paragraph 5(3) of Schedule 6 only:

- the date and circumstances in which the right to exercise the right to manage has ceased within the past four years

If you have any questions

If you have any questions about this application contact the relevant regional tribunal office in **Annex 1**.

The tribunal cannot give legal advice on your case.

Serving the application

You must send a copy of the application to the respondent and any interested party by email or post.

Other notes

Write clearly if you are completing this form by hand.

Use another sheet of paper if there is not enough space for you to say everything.

Add your name at the top of any additional pages.

You must complete all sections and provide all documentation requested otherwise the tribunal cannot progress your application.

If you are unable to do so you must explain why at the end of this form and the tribunal will decide whether or not the application can proceed.

Section 1 – Type of application

Request a decision under Provisions of Commonhold and Leasehold Reform Act 2002. Choose one of the options below:

Section 82(5) – Reasonable Costs payable by RTM for information

Application for a determination of any question in relation to the amount of reasonable costs payable by the RTM Company for provision of information under section 82(4)

Section 84(3) – Right to Manage entitlement

Application for a decision that the RTM Company is entitled to acquire the Right to Manage

Section 85 (2) – Missing/Absent Landlord

Application for a decision that the RTM Company is entitled to acquire the Right to Manage when the landlord is missing

Section 87B(1) – RTM company liability for costs in consequence of a claim notice

Application for an order that the RTM Company must pay costs incurred in consequence of its claim notice

Section 94 (3) – Payment of accrued uncommitted service charges

Application for a decision on the amount of any service charge funds payable to the RTM Company

Section 99 (1)(b) – Approvals under long leases

Application for an authority to give an approval under a lease

Section 107 – Order for compliance with Chapter 1 of Part 2 of the Act

Application for an order requiring compliance with a requirement under Chapter 1 by a specific time following non-compliance with a notice issued more than 14 days earlier.

Paragraph 5(3) of Schedule 6

Application for a decision that the RTM can be exercised early

Section 2 – Applicant’s information

2.1 Details of applicant

First name

Last name

Capacity

Company name (optional)

2.2 Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

2.3 Reference number for correspondence (optional)

2.4 Contact details

Phone number

Mobile number

Email address

Note for Section 2

If you are applying on behalf of the RTM Company the name of the applicant should be the RTM Company.

In cases with more than one applicant, attach a separate document containing the names, addresses and emails (if known) of all the applicants. Also, include a document, signed in pen by each applicant or an email from each applicant wanting to be part of the application.

Note for Capacity

Capacity could be leaseholder, landlord or nominee purchaser.

2.5 Details of applicant’s representative (if any)

First name

Last name

Company name

Note 2.5

A representative is someone you want to represent you in dealing with the tribunal.

If you appoint a representative, the tribunal office will only correspond with your representative.

2.6 Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

2.7 DX number for correspondence (optional)

Note 2.7

Not all regional tribunal offices use the DX service.

See Annex 1 for offices that have DX numbers.

2.8 Reference number for correspondence (optional)

2.9 Contact details

Phone number

Mobile number

Email address

Section 3 – Property information

3.1 Is the address of the subject property the same as the applicant's address?

Yes

No. **Provide the address below.**

Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

3.2 Reference number for correspondence (optional)

3.3 Brief description of the property

Note for Section 3

The subject property address could be the same as the applicant's address (for example, the property or properties involved in the application or dispute).

Note 3.3

Add a short description of the property, for example:

- is the property a house or a flat
- how many flats are in the block
- the size of the property or properties (for example 1 or 2 bedroom)
- an estimate of the age of the property

Section 4 – Respondent’s information

4.1 Details of respondent

First name

Last name

Capacity

Company name (optional)

4.2 Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

4.3 Reference number for correspondence (optional)

4.4 Contact details

Phone number

Mobile number

Email address

Note for Section 4

In cases with more than one respondent, attach a separate document containing the names, addresses and emails (if known) of all the respondents.

Note for Capacity

The respondent will be a landlord.

4.5 Details of respondent's representative (if any)

First name

Last name

Company name

4.6 Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

4.7 DX number for correspondence (optional)

4.8 Reference number for correspondence (optional)

4.9 Contact details

Phone number

Mobile number

Email address

Note 4.7

Not all regional tribunal offices use the DX service. See Annex 1 for offices that have DX numbers.

Section 5 – Details of the application

5.1 Reasons for the application

Note for Section 5

Give a brief outline of your case so that the tribunal understands what your application is about.

Use another sheet of paper if there is not enough space for you to say everything.

Add your name at the top of any additional pages.

Section 6 – Other applications

- 6.1** Do you know of any other cases involving related or similar issues about this property?

Section 7 – Hearing

Determine without a hearing (a paper determination)

It is possible for your application to be dealt with only on written representations and documents without anyone needing to attend in person. This is called a paper determination.

- 7.1** Do you think a paper determination is right for your case?

Yes

No

Urgency of application

- 7.2** Is your case urgent?

No

Yes. **Explain why it is urgent.**

Availability

- 7.3** Are there any days when you or any expert or witness you are using cannot attend?

Dates on which you or they **will not be** available in the next 4 months

Note 7.1

Even if you have asked for a paper determination the tribunal may decide that a hearing is necessary.

You'll need to pay an additional fee of £227 if a hearing date is set.

Note 7.2

Cases are dealt with as either fast or standard track, the tribunal will decide which:

Fast track - this is for simple cases that will not create a lot of paperwork or argument. Fast track cases are usually heard within 10 weeks of application.

Standard track - this is for more complicated cases with numerous issues to be decided, or where there is lots of paperwork involved. Standard track cases are usually heard within 20 weeks of application.

Support during your hearing

7.4 Do you, or anyone attending with you, need any adjustments?

Note 7.4

Some people need support to access information and use our services, for example:

- documents in alternative formats, colours and fonts
- help with communication, sight, hearing, speaking, interpretation or translation
- access and mobility support if a hearing takes place in person

This form gets copied to other parties, so use a separate document if you do not want to disclose anything.

Section 8 – Statement of truth

I believe that the facts stated in this form and any continuation pages are true.

Signature

Date

Day	Month	Year

Full name

Section 9 – Additional information

If you have not completed all sections of this form please tell us in the box below which sections have not been completed and why.

Application fee

What you need to pay

The application fee is **£114**

How to pay the fee

I have not included payment because

I have applied for help with fees online and my reference number is

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I am applying for help with fees, see attached form EX160 ‘Apply for help with fees’

Other – please explain why

I want to pay by online banking

Email me details on how to pay, my email address is

I enclose a cheque or postal order, made payable to HMCTS

Note for application fee

You’ll need to pay an additional fee of £227 when the hearing date is set.

You may be able to get help paying fees if you only have a small amount in savings, receive certain benefits or are on a low income.

See www.gov.uk/get-help-with-court-fees for more information.

Note for online banking

The tribunal will send you a reference number so you can make a payment online.

Fee account details – for use by legal professionals

Your account number

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Your reference (if applicable)

Checklist

I enclose a copy of the RTM Company certificate of incorporation and a copy of the article of association

I have completed the application fee section

I enclose the names and addresses of the freeholder, any intermediate landlord and any manager appointed by the tribunal.

For applications for Section 84 (3) only:

(under Provisions of Commonhold and Leasehold Reform Act 2002):

a copy of the claim notice and a copy of any counter notice received

For applications for Section Section 85 (2) only:

a statement that the requirements of sections 78 and 79 of the Act have been met

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a description of the approval sought and a copy of the relevant lease

For applications under Section 107 only:

a copy of the notice which has not been complied with

For applications for Paragraph 5(3) of Schedule 6 only:

the date and circumstances in which the right to exercise the right to manage has ceased within the past four years

Unless you complete all sections and provide all documentation, the tribunal **cannot** progress your application.

Note for Checklist:

Use a separate sheet to include the names, addresses and emails of the freeholder, any intermediate landlord and any manager appointed by the tribunal.

From 1st October 2010 the Articles of Association must comply with the provisions of the RTM companies (Model Articles) (England) Regulations 2009 S.I. No. 2009/2767.

Contact details

Email your application to the relevant regional tribunal address shown in the Annex 1 to this form.

If you cannot email, you can send the application by post.

Annex 1

List of addresses of tribunal regional offices

Northern region

Address:

HM Courts and Tribunals Service
First-tier Tribunal (Property Chamber)
Residential Property
1st Floor, Piccadilly Exchange
Piccadilly Plaza
Manchester
M1 4AH

Telephone: 01612 379491

Fax: 01264 785 128

Email address: RPNorthern@justice.gov.uk

This office covers the following metropolitan

districts: Barnsley, Bolton, Bradford, Bury, Calderdale, Doncaster, Gateshead, Kirklees, Knowsley, Leeds, Liverpool, Manchester, Newcastle-upon-Tyne, Oldham, Rochdale, Rotherham, St. Helens, Salford, Sefton, Sheffield, Stockport, Sunderland, Tameside, Trafford, Tyneside (North and South), Wakefield, Wigan and Wirral.

It also covers the following unitary authorities:

Hartlepool, Middlesbrough, Redcar and Cleveland, Darlington, Halton, Blackburn with Darwen, Blackpool, Kingston-upon-Hull, East Riding of Yorkshire, Northeast Lincolnshire, North Lincolnshire, Stockton-on-Tees, Warrington and York.

It also covers the following Counties:

Cumbria, Durham, East Cheshire, Lancashire, Lincolnshire, Northumberland, North Yorkshire and West Cheshire.

Midland region

Address:

HM Courts and Tribunals Service
First-tier Tribunal (Property Chamber)
Residential Property
Centre City Tower
5-7 Hill Street
Birmingham
B5 4UU

For use by legal professionals:

DX 360601 Birmingham 5

Telephone: 0121 600 7888

Fax: 01264 785 122

Email address: RPMidland@justice.gov.uk

This office covers the following metropolitan

districts: Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton.

It also covers the following unitary authorities:

Derby, Leicester, Rutland, Nottingham, Herefordshire, Telford and Wrekin and Stoke-on-Trent.

It also covers the following Counties:

Derbyshire, Leicestershire, Nottinghamshire, Shropshire, Staffordshire, Warwickshire and Worcestershire.

Eastern region

Address:

HM Courts and Tribunals Service
First-tier Tribunal (Property Chamber)
Residential Property
Cambridge County Court
197 East Road
Cambridge CB1 1BA

For use by legal professionals:

DX 97650 Cambridge 3

Telephone: 01223 841 524

Fax: 01264 785 129

Email address: RPEastern@justice.gov.uk

This office covers the following metropolitan

districts: Bracknell Forest, West Berkshire, Reading, Slough, Windsor and Maidenhead, Wokingham, Luton, Peterborough, Milton Keynes, Southend-on-Sea and Thurrock.

It also covers the following Counties:

Bedfordshire, Berkshire, Buckinghamshire, Cambridgeshire, Essex, Hertfordshire, Norfolk, Northamptonshire, Oxfordshire and Suffolk.

Southern region

Address:

HM Courts and Tribunals Service
First-tier Tribunal (Property Chamber)
Residential Property
Havant Justice Centre
The Court House
Elmleigh Road
Havant
Hants PO9 2AL

Telephone: 01243 779 394

Fax: 0870 7395 900

Email address: RPSouthern@justice.gov.uk

This office covers the following unitary authorities:

Bath and Northeast Somerset, Bristol, North Somerset, South Gloucestershire, Bournemouth, Plymouth, Torbay, Poole, Swindon, Medway, Brighton and Hove, Portsmouth, Southampton and the Isle of Wight.

It also covers the following Counties:

Cornwall and the Isles of Scilly, Devon, Dorset, East Sussex, Gloucestershire, Hampshire, Kent, Somerset, Surrey, West Sussex and Wiltshire

London region

Address:

HM Courts and Tribunals Service
First-tier Tribunal (Property Chamber)
Residential Property
10 Alfred Place
London WC1E 7LR

For use by legal professionals:

DX 134205 Tottenham Court Road 2

Telephone: 020 7446 7700

Fax: 01264 785 060

Email address: London.RAP@justice.gov.uk

This office covers all the London boroughs.

For information on how HM Courts and Tribunals Service process and store your data visit:

www.gov.uk/hmcts/privacy-policy