



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

Case Reference	: HAV/00HN/LRM/0501/BS
Property	: 860 Christchurch Road, Bournemouth. BH7 6DQ.
Applicant	: 860 Christchurch Road RTM Company Limited (Co. Number 15570732)
Representative	: The Leasehold Advice Centre (Philip Bazin)
Respondent	: Assehold Limited (Co. No 2276277)
Type of Application	: Determination that on the relevant date the Applicant RTM Company was entitled to acquire the Right to Manage Section 84(3) the Commonhold and Leasehold Reform Act 2002 (CLARA)
Tribunal Members	: Judge C A Rai
Date type and venue of Hearing	: 2 June 2025 Decision on the papers without a hearing. Rule 31 The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 (the Rules)
Date of Decision	: 2 June 2025

DECISION

1. The Tribunal determines that on the relevant date, 860 Christchurch Road RTM Company Limited was entitled to acquire the Right to Manage 860 Christchurch Road, Bournemouth. BH7 6DQ and will acquire the Right to Manage on the date this decision becomes final.
2. The Tribunal orders the Respondent to reimburse the application fee of £110 paid by the Applicant within 28 days of the date of this decision.
3. The reasons for the Tribunal's decisions are set out below.

Background

4. The Applicant's representative, The Leasehold Advice Centre, sent a claim notice to the Landlord on 7 May 2024 in the prescribed form stating its intention to acquire the right to manage the Property on 19 September 2024 [40].
5. Scott Cohen Solicitors responded to the claim notice by a letter dated 15 May 2024 emailed to the Applicant's representative, confirming that it was instructed by the Respondent and requesting five listed items as "further information" to enable it to make a full assessment of the claim.
6. The Applicant's representative emailed Scott Cohen on 15 May 2024. Although it denied that the relevant legislation entitled the Respondent to raise queries or seek further documentation it provided the information sought.
7. On 17 June 2024, the Landlord sent a counter notice and letter by first class post to the Applicant's Representative. It claimed that the premises specified in the claim notice are not premises to which part 2 of chapter 1 of CLARA applied by reason of the non-residential proportion of the building.
8. The Applicant made an application to the Tribunal on 9 August 2024 for a determination that it was entitled to acquire the right to manage the Property.
9. The Tribunal issued directions dated 24 February 2025 which recited the history of the exchange of the notices and identified two issues for determination by the Tribunal being whether :-
 - a. the Applicant was entitled to acquire the right to manage the Property under CLARA; and
 - b. the application and any hearing fees should be reimbursed by the Respondent.Having concluded that the application was likely to be suitable for determination without a hearing it gave notice that it would be so determined unless either party objected in writing within 28 days. Neither party subsequently requested an oral hearing.
10. The Respondent was directed to send a statement of its case to the Applicant within a defined timescale and to which the Applicant could respond. A timescale was set for the provision of a hearing bundle, and parties were invited to submit written representations with regard to costs.
11. The Respondent failed to comply with the Tribunal's directions.
12. The Applicant made a case management application dated 25 March 2025 applying for the Respondent to be barred from defending the proceedings and seeking "judgement in its favour" [8].
13. Judge N Jutton issued further directions dated 4 April 2025 which directed that if the Respondent failed to send its statement of case to the Applicant by 16 April 2025 it shall be barred from taking any further part

in the proceedings [20]. He also extended the date for service of the hearing bundle until 2 May 2025.

14. Judge H Lumby reviewed the Applicant's bundle and confirmed in Directions dated 16 April 2025 that the application remained suitable for determination on the papers and should be so determined as soon as practicable.
15. On 28 April 2025, the Tribunal barred the Respondent from further participation in the proceedings pursuant to Rule 9. The Respondent has not applied to the Tribunal for the bar to be lifted within the appeal window.
16. The Tribunal has received a determination bundle comprising an index and 134 pages of correspondence and documents from the Applicant. References to numbers in square brackets in this decision are to the numbered pages of documents in that bundle.

Reasons for the Decision

17. Having considered the evidence in the hearing bundle the Tribunal concluded that the reason given by the Respondent in its counter notice for denying the Applicant's claim was not proven.
18. However, the Respondent has been barred from taking further part in the proceedings. Therefore, in accordance with Rule 9(8) of its Rules the Tribunal need not consider any response or other submission made by the Respondent and may summarily determine any or all issues against that Respondent.
19. The Tribunal finds that the Applicant was entitled to the Right to Manage the Property on relevant date and will acquire such right on the date this decision becomes final.

Costs

20. The Applicant has not made any costs applications. The Tribunal may make an order under Rule 13(2) requiring a party to reimburse the application fee. Since the Respondent has been barred from taking further part in in these proceedings and has delayed the Applicant's claim by submitting a counter notice the reason for which it never subsequently explained, the Tribunal makes an order that it shall reimburse the Application fee of £110 to the Applicant within 28 days of the date of this decision.
21. The Tribunal refers the Applicant to paragraphs 29 and 30 of the Tribunal's Directions dated 24 February 2024.

Judge C A Rai

Appeals

1. A person wishing to appeal this decision to the Upper Chamber must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision. Where possible you should send your further application for permission to appeal by email to **rpsouthern@justice.gov.uk** as this will enable the First-tier Tribunal to deal with it more efficiently.
3. If the person wishing to appeal does not comply with the 28-day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.