



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

Case reference : **CAM/00MG/LRM/2024/0601**

Property : **Granton House, 202 Silbury Boulevard,
Milton Keynes, MK9 1FJ**

Applicant : **Granton House (Milton Keynes) RTM
Company Limited**

Representative : **Stephen Wiles, Prime Property
Management**

Respondent : **Assethold Limited**

Representative : **Ronni Gurvits, Eagerstates Limited**

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

Tribunal : **Judge K Neave**

Date of decision : **11 June 2025**

DECISION

Decision

The Tribunal:

- (1) determines that the Applicant was on the relevant date entitled to acquire the right to manage the Property; and
- (2) orders the Respondent to pay £100 to the Applicant to reimburse the tribunal application fee paid by it.

Reasons

Application

1. By an application dated 25 June 2024, the Applicant RTM company (registration number 13940038) 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 Granton House, 202 Silbury Boulevard, Milton Keynes, MK9 1FJ (“the Property”).

Background

2. The Property is a residential block containing 47 flats held under long leases.
3. By a claim notice dated 16 May 2024 said to have been given on the same date, the Applicant gave notice that it intended to acquire the right to manage the Property on 28 September 2024.
4. By counter notice dated 20 June 2024 signed by Scott Cohen Solicitors Limited, the Respondent disputed the claim on various grounds.

Procedural history

5. Directions in this application were given on 12 March 2025. The Respondent was directed to provide a statement setting out its objections to the application in full, together with any legal submissions and supporting information.
6. The Respondent did not comply with those directions, and instead made an application on 4 April 2025 to strike out the application. The basis for the Respondent’s request was unclear. By letter dated 9 April 2025, the tribunal asked the Respondent to confirm the reasons for its application. Despite the tribunal making it clear that it would not deal with the application until further information had been provided, the Respondent did not file any further explanation. Nor did it file any statement of case or other documents, despite being granted an extension of time in which to do so.
7. The directions also provided that the tribunal would determine this matter on or after 6 May 2025 based on the documents provided unless either party requested a hearing. Neither party requested a hearing. Accordingly, by Rule 31(3) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 (the “**Rules**”), the parties are taken to have consented to this matter being decided without a hearing. I am satisfied that a hearing is not necessary to determine the issues in this case.
8. The Applicant provided a 327-page hearing bundle, which I have considered.

Issues

9. It is apparent from the Respondent's counter-notice that the following issues are in dispute:
- a) whether the notice inviting participation:
 - i. contained the prescribed particulars.
 - ii. was in the prescribed form.
 - iii. correctly stated the names of the members of the RTM company.
 - b) Whether the claim notice was given by an RTM Company which complied with section 79(5) of the Act.

Determination of the tribunal

The notice inviting participation

- 10. The relevant notices inviting participation are contained in the Applicant's hearing bundle from page 223 onwards. No case is advanced by the Respondent as to precisely what particulars are said to have been omitted from the notices nor why it is said that the notices are drafted otherwise than in the prescribed form. No response to the Applicant's statement of case has been provided.
- 11. Having compared the notices inviting participation in the hearing bundle to the relevant prescribed form and given the lack of any particular challenge raised by the Respondent, I find that the notices inviting participation are in the prescribed form.
- 12. Having considered the notices inviting participation, I find that they state that the Applicant intends to acquire the right to manage the Property. They invite the recipient to become a member of the company. They give the particulars referred to in regulation 3(2) of the Right to Manage (Prescribed Particulars and Forms) (England) Regulations 2010.
- 13. I also find, having compared the register of members at pages 68 – 71 of the hearing bundle with the notices inviting participation, that the said notices correctly stated the names of the members of the RTM company. The Respondent has not given any details of which members of the company it says were incorrectly mentioned in the notices or not mentioned when they should have been.
- 14. It follows that I am satisfied that a notice of invitation to participate was given by the Applicant which complied with section 78(2)-(4) of the Act.

The claim notice

- 15. By s.79(3) of the Act, a claim notice must be given by a RTM company which complies with subsection (4) (which does not apply here) or (5). By subsection (5), the membership of the RTM company must on the relevant

date include a number of qualifying tenants of flats contained in the premises which is not less than one half of the total number of flats so contained.

16. The Respondent asserts that the claim notice was not given by an RTM company which complied with section 79(5) of the Act. Again, no particulars of this assertion have been given by the Respondent.
17. The claim notice appears at page 7 of the bundle. The notice is given by the Applicant RTM Company. I have considered the schedule attached to the claim notice which gives details of the full names and addresses of those who are both qualifying tenants and members of the company, as well as the register of members of the Applicant at pages 68 – 71 of the hearing bundle. There is no dispute about the accuracy of this schedule or the register. The Applicant also provided the tribunal with a statement of case asserting that the Respondent's allegations were incorrect. The Respondent has produced no competing factual evidence or other argument in relation to the Applicant's membership on the relevant date.
18. In my judgment, nothing in the Respondent's counter notice is sufficient to call this evidence into question. I find that the schedule, the register and the Applicant's statement of case demonstrate clearly that the membership of the Applicant included on the relevant date a number of qualifying tenants of flats contained in the Property which was not less than one-half of the total number of flats so contained and that the Applicant has discharged the burden of proof in this respect.
19. It follows that for the purposes of section 79(3) I am satisfied that the claim notice was given by a RTM company which complied with section 79(5) of the Act.

Conclusion

20. I am satisfied for the reasons set out above that the Applicant was on the relevant date entitled to acquire the right to manage the Property.

Costs

21. Under Rule 13, the tribunal has discretion to order reimbursement of tribunal fees. The Applicant is the successful party in this application. I order the Respondent to pay £100 to the Applicant to reimburse the tribunal application fee paid.

Name: Judge K Neave

Date: 11 June 2025

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).