



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

Case reference : **LON/00AU/LRM/2025/0029**

Property : **100-102 Mackenzie Road, London N7
8RE**

Applicant : **100-102 Mackenzie Road RTM Limited**

Representative : **The Leasehold Advice Centre (Mr P M
Bazin)**

Respondent : **Assethold Limited**

Representative : **Eagerstates Limited (Mr R Gurvits)**

Type of application : **Application in relation to the denial of
the Right to Manage under s.84(3) of the
Commonhold and Leasehold Reform
Act 2002**

Tribunal members : **Judge Pittaway
Mr D Jagger FRICS**

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

Date of decision : **17 December 2025**

DECISION

Paper Determination

This has been a paper determination which has not been objected to by the parties. The form of remote determination was P:PAPER REMOTE. A face-to face hearing was not held because the issues could be determined on the papers. The documents that the Tribunal was referred to are contained in a bundle of 136 pages.

Decisions of the tribunal

- (1) The Tribunal determines that on the date on which the notice of claim was given the Applicant was entitled to acquire the Right to Manage 100-102 Mackenzie Road London N7 8RE.
- (2) The Tribunal orders the Respondent to refund the application and hearing fees paid by the Applicant within 28 days of the date of this decision.

Background

1. The Applicant applied for a determination under section 84(3) of the Commonhold and Leasehold Reform Act 2002 ("the **2002 Act**") that, on the relevant date, the Applicant RTM company was entitled to acquire the Right to Manage the premises known as 100-102 Mackenzie Road London N7 8RE (the '**Property**').
2. By a claim notice dated 14 March 2025 the Applicant gave notice that it intended to acquire the Right to Manage the Property on 28 July 2025.
3. By a counter-notice dated 24 April 2025 the Respondent freeholder disputed the claim alleging that the Applicant was not an RTM company as defined by s73(2) of the 2002 Act.
4. The Tribunal issued Directions on 28 August 2025 identifying a single issue to be determined, namely whether on the date the claim was given the Applicant was entitled to acquire the Right to Manage the premises specified in the notice. The Directions provided that the matter would be determined in the seven days commencing on 15 December 2025 on the basis of the document bundle to be provided by the Applicant unless either party requested a hearing. Neither party did.
5. The Respondent was directed to send the Applicant a statement in reply to its application and enclosures by 24 September 2025 but failed to do so. On 7 October 2025, following an application by the Applicant, the Tribunal gave Notice of Intention to Debar the Respondent

from contesting the proceedings as of 16 October 2025 unless the Respondent had made representations before that date. It did not do so.

6. On 17 October 2025 Scott Cohen, the solicitors to the Respondent, removed themselves from the record and advised that all future correspondence should be sent to Mr Gurvits of Eagerstates.

The Respondent's case

7. In its counter-notice of 24 April 2025 the Respondent alleged that *'by reason of s73(2) of the [2002 Act] on 21 March 2025, [the Applicant] was not entitled to acquire the right to manage the premises specified in the claim notice because the Company is not an RTM company as defined by that section.'*

The Applicant's case

8. In its Statement of Case of 9 June 2025, the Applicant submitted that the Respondent had failed to particularise why the Applicant was not a RTM company. The Applicant referred to s73(2) of the 2002 Act which states

'(2) a company is a RTM company in relation to premises if-
(a) it is a private company limited by guarantee, and
(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.'

9. The Applicant submitted that it is a private company limited by guarantee and the premises are defined in the Articles.
10. The Applicant asked the Tribunal to order the reimbursement of the application and hearing fees under the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 (the '**Rules**')

The Tribunal's determination

11. The only ground relied upon by the Respondent is that the Applicant did not comply with s73 (2) of the 2002 Act, which is set out above.
12. The bundle before the Tribunal contains the Certificate of Incorporation of the Applicant on 5 November 2024, its Memorandum of Association and its Articles of Association. These confirm that it is a company limited by guarantee and not having a share capital. Paragraph 4 of the Articles states, *'The objects for which the company is established are to acquire and exercise in accordance with the 2002 Act the right to*

*manage the Premises.’ The ‘Premises’ are defined in paragraph 1 of the Objects as
‘the premises known as the building or part of a building which known as 100 –102 Mackenzie Road, London N7 8RE as held under Freehold Title AGL237914 being the building which incorporates Flats 1 – 7, 100 Mackenzie Road, London N7 8RE [Inc] together with Ground Floor Flat, 102 Mackenzie Road, London N7 8RE together with any appurtenant property (if any)’.*

13. The Tribunal finds that the Applicant company complies with the requirements of a RTM company set out in s73(2) of the 2002 Act and determines that on the date on which the notice of claim was given the Applicant was entitled to acquire the Right to Manage 100-102 Mackenzie Road London N7 8RE.

14. The Applicant has applied for a refund of the fees that it has paid in respect of the application and the hearing¹. Taking into account the determination above and the failure by the Respondent to engage in the proceedings the Tribunal orders the Respondent to refund any fees paid by the Applicant within 28 days of the date of this decision.

Name: Judge Pittaway

Date: 17 December 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.

¹ The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013

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).