



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

Case Reference	: HAV/00HG/LRM/2025/0614
Property	: 336A Wimborne Road, Bournemouth BH9 2HH.
Applicant	: 336A Wimborne Road RTM Company Limited.
Representative	: Coles Miller LLP
Respondent	: Assehold Limited.
Representative	: Scott Cohen Solicitors
Type of Application	: Determination of entitlement to acquire the Right to Manager – Chapter 1 Commonhold and Leasehold Reform Act 2002 (CLARA).
Tribunal Members	: Judge C A Rai.
Date type and venue of Hearing	: Paper Determination without a hearing Rule 31 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013.
Date Decision	: 23 April 2026.

DECISION

1. The Tribunal determines that the Applicant is entitled to acquire the right to manage the Property on the relevant date.
2. The reasons for the Tribunal's decision are set out below.

Background

3. On 19 August 2025 the Applicant applied to the Tribunal for a determination that it was entitled to acquire the right to manage the Property pursuant to section 84(3) of CLARA.
4. In its application the Applicant described the Property as a building consisting of 4 flats and a ground floor shop. The Applicant stated that the 4 flats are owned by qualifying tenants and four leaseholders are listed in Part 1 and Part 2 of the claim notice which accompanied the Application, as being members of the Applicant (RTM Co). Plans and photographs provided by the Applicant show that the Property is a three storey building comprising a ground floor shop, a ground floor flat and three further flats, two on the first floor and one on the second floor.
5. The claim notice, dated 10 June 2025, was addressed and sent to the Respondent. In response a letter dated 10 July 2025 was sent by Scott Cohen Solicitors, by post to the Applicant with a counter-notice. Paragraph 1 of the counter-notice stated :- **“I allege that, by reason of Section 72(6) of Chapter 1 of Part 2 of the Commonhold and Leasehold Reform Act 2002, on 13 June 2025, 336A Wimborne Road RTM Company Limited (“the Company”) was not entitled to acquire the right to manage the premises specified in the claim notice because the premises are excepted by reason of Schedule 6 of the Commonhold and Leasehold Reform Act 2002”**
6. The Tribunal issued directions dated 26 January 2026 requiring that both parties provide “Additional and Better Information”. It sought clarification of the addresses of the four flats owned by the qualifying tenants from the Applicant and directed the Respondent provide it with a statement of truth explaining why it alleged that the premises are excepted by reason of Schedule 6 of CLARA. Paragraph 10 of the directions is reproduced below.

“UNLESS the parties provide the Tribunal with additional and better information about the application by 6 February 2026 the application will be struck out or the Respondent will be barred from taking further part in the proceedings without further notice”.
7. The Tribunal also directed that it considered the application was likely to be suitable for determination on the papers, without an oral hearing unless either party objected and set out a timetable for the parties to exchange their respective statements of case and provide a determination bundle to the Tribunal.
8. Neither party subsequently objected to the Tribunal dealing with the application without an oral hearing.

9. The Applicant responded to the Tribunal's directions by providing copies of the property registers for all four of the flats clarifying that only one of the registers referred to the postal address of the freehold property as 336a Wimborne Road, Bournemouth BH9 2HH. The other three property registers refer to the freehold property as 336 Wimborne Road, Wimborne Road, Bournemouth BH9 2HH. The Tribunal has concluded that the postal address of the ground floor shop is 336 Wimborne Road and the postal addresses of the four flats are 336A Wimborne Road.
10. The Tribunal received no response from the Respondent or its representative to its Directions.
11. On the 26 March 2026, Scott Cohen emailed the Tribunal stating that it was no longer instructed to act on behalf of the Respondent in these proceedings. That email was copied to the Applicant's representative and Eagerstates.

Reasons for the Tribunal's decision.

12. Part 2 of Chapter 1 of CLARA makes provision for the acquisition and exercise of rights in relation to the management of premises to which the Chapter applies by a company (referred to in the Chapter as a RTM Company) which, in accordance with the Chapter, may acquire and exercise those rights.
13. The Applicant has served a claim notice on the Respondent.
14. The Tribunal is satisfied that the claim notice served on the Respondent was given in accordance with section 79 and complied with the requirements contained in section 80 of CLARA.
15. The Respondent served a counter-notice in response to the claim notice, alleging that the premises were excepted by reason of Schedule 6 to CLARA. It has not complied with an order made by the Tribunal seeking clarification of its reasons for serving a counter-notice. Subsequently the Tribunal received written notice that the Respondent's Representative was longer instructed by the Respondent.
16. Notwithstanding, that it had not been provided with any reasons why the counter-notice was served, the Applicant has provided documents and evidence to the Tribunal about the floor areas of each flat and the ground floor shop.
17. Whilst it recognises that the Applicant has been hampered by the absence of any engagement by the Respondent after it served the counter-notice the Tribunal is unwilling to speculate on the Respondent's reasons for serving that counter-notice.
18. The Tribunal is satisfied that the Applicant's claim is valid. It is also satisfied that the Respondent has not identified any reason for challenging that claim.

19. The Tribunal therefore determine that the Applicant it is entitled to acquire the right to manage 336 Wimborne Road Bournemouth BH9 2HH and appurtenant property as comprised within title number DT381175 on the relevant date.
20. Following an application under section 84(3) of CLARA where the right to manage is acquired by virtue of a determination, it will become final, if not appealed against, at the end of the period for bringing an appeal, and if appealed against, at the time when that appeal, or any further appeal is disposed of (s. 84(5)).

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.