



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

Case reference : HAV/43UM/LRM/2025/0617

Property : 30- 33 Station Approach, West Byfleet,
KT14 6NF

Applicant : 32 Station Approach RTM Company
Limited (Co No. 16536594)

Representative : The Leasehold Advice Centre

Respondent : Assethold Limited

Representative : None

Interested Persons : Penelope Mary Tree (Flat2)
The Qualifying Lessee of Flat 7 (Flat7)

Type of application : Determination of entitlement to acquire
the Right to Manage – Chapter 1
Commonhold and Leasehold Reform Act
2002.

Tribunal members : Judge Taylor
Tribunal Member Smith

Date and Venue of hearing : 22 April 2026, on the papers

Date of decision : 27 April 2026

DECISION

Summary of the Decision of the Tribunal

1. The Tribunal determines that it has no jurisdiction to make a determination under section 84(3) Commonhold and Leasehold Reform Act 2002 (“CLRA”) because no valid counter-notice has been given by any person who was given a claim notice by the Applicant under section 79 CLRA.
2. The Tribunal determines that the Respondent shall reimburse to the Applicant the fees it has paid in respect of the Application, in the sum of £ 114.

The application

1. The Applicant seeks a determination under s.84 of the Commonhold and Leasehold Reform Act 2002 (“CLRA”) for a determination that on the relevant date the Applicant RTM Company was entitled to acquire the Right to Manage the Property defined above.
2. This matter has been dealt with without a hearing pursuant to Rule 31 of the Tribunal Procedure Rules 2013 and the Tribunal’s listing decision on 13 April 2026.
3. By a claim notice dated 18 July 2025 the Applicant gave notice under section 79 CLRA that it intended to acquire the right to manage the Property. The claim notice was served on City Group London Limited (in creditors’ voluntary liquidation) (“City Group”), the registered proprietor. A claim notice was also served on the Respondent because the Applicant understood at the time of service that the Respondent had purchased the freehold interest in the Property, although any such purchase was not registered at HM Land Registry.
4. The Respondent served a purported counter- notice under section 84 CLRA dated 28 August 2025. That document was signed by Mr Ronni Gurvits of Eagerstates as “*Duly authorised agent of Assethold Limited and City Group London Limited*”.
5. On 12 March 2026 Judge Dobson gave Directions which set out the background in detail in paragraphs 1-11. We will not repeat those but they are incorporated into this decision.

6. Paragraph 17 of those Directions required:

17. The Respondent shall by 2nd April 2026 do the following:

i) Provide evidence of the instruction by City Group London Limited of Eagerstates Limited as its agent;

ii) Provide written submissions setting out the basis on which it contends that it was able to serve a counter-notice despite not being registered as the legal owner of the Property.

Paragraph 19 provided that, if there was no response from the Respondent to these requirements, the Respondent would be barred from further participation in the proceedings pursuant to rule 9 of the Tribunal Procedure (First-Tier Tribunal) (Property Chamber) Rules 2013 (“the Rules”).

7. On 7 April 2026 Judge Rai gave the Tribunal’s further Directions and Notice that the Tribunal bars the Respondent from taking further part in the proceedings. Again, we will not repeat those in full but they are incorporated in this decision. Paragraph 10 provided: *The Respondent has not complied with the March Directions. The Tribunal therefore bars the Respondent from further participation in these proceedings pursuant to Rule 9(3) of the Rules.*

8. In its Statement of Case the Applicant asked the Tribunal to make an order that the Respondent should reimburse the fees incurred by the Applicant in this application, under the Rules.

The Tribunal’s decision

9. Section 90 (3) CLRA provides: *For the purposes of this Chapter there is no dispute about entitlement if—*
(a) no counter-notice is given under section 84...

10. The Respondent has provided no evidence that a valid counter-notice has been served and has been barred from participating in these proceedings as a result. We find that no counter-notice has been given by a party entitled to serve a counter-notice to the Applicant’s claim notice dated 18 July 2025. We also find that the Respondent’s agent was not authorised by City Group London

Limited to serve a counter notice on its behalf. Accordingly, under section 90(3) CLRA there is no dispute about the Applicant's entitlement to acquire the right to manage. Section 90 (2) CLRA provides that, where there is no dispute about entitlement, the acquisition date is the date specified in the claim notice under section 80(7) CLRA. As there is no dispute about entitlement, the Tribunal has no jurisdiction to make a determination under section 84 CLRA; the statutory provisions set out above apply instead.

11. We turn now to the Applicant's application for a costs order. Under Rule 13 of the Rules, the Tribunal may make an order in respect of costs only:

“(1) ...(b) if a person has acted unreasonably in bringing, defending or conducting proceedings in [a case of this type] ...

... (2) The Tribunal may make an order requiring a party to reimburse to any other party the whole or part of the amount of the fee paid by the other party which has not been remitted by the Lord Chancellor.”

12. In our view the Respondent has acted unreasonably both in defending this claim and in its conduct, for the following reasons. First, the Respondent's agent served the purported counter-notice on behalf of Assethold Limited when it must, or at least should, have known that that company was not the relevant landlord entitled to serve a counter-notice to the Applicant's claim notice because it was not the registered legal proprietor of the Property at the date the claim notice was served. The leading authority on this issue is the court of appeal's decision in *159-167 Prince of Wales Road RTM Co v Assethold Ltd* [2024] EWCA Civ 1544, in which Assethold was obviously a party and therefore well aware of the legal position. The Tribunal Directions of 12 March 2026 provided an opportunity for the Respondent to provide submissions on Assethold's standing to serve a counter-notice, yet it failed to do so. Secondly, the purported counter-notice was also signed by the Respondent's agent as purported "duly authorised agent" for City Group London Limited, the registered legal owner at the relevant time. However, when required by the Directions dated 12 March 2026 to provide evidence that it was so authorised, no such

evidence was provided, and we have found that the Respondent was not so authorised. Thirdly, the Respondent has not responded to the Tribunal's directions, leading to it being barred from participating in the proceedings. In our view, the whole of the fees incurred by the Applicant should be reimbursed by the Respondent because of these matters.

Rights of appeal

1. A person wishing to appeal this decision to the Upper Tribunal (Lands 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