



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

Case reference HMCTS Code	:	CAM/22UF/LRM/2025/0014 P: PAPER REMOTE
Property	:	Little Docklands, 32-74 (evens) Wharf Road, Chelmsford, Essex Cm2 6LU
Applicant	:	Little Docklands (Chelmsford) RTM Company Ltd
Representative	:	Taylor Haldane Barlex LLP
Respondent	:	Avon Freeholds Limited
Representative	:	Scott Cohen Solicitors Limited
Type of application	:	Application in relation to the denial of the Right to Manage
Tribunal member(s)	:	Regional Judge Wayte
Date	:	13 May 2026

DECISION

The tribunal determines that the applicant was on the relevant date entitled to acquire the right to manage the premises pursuant to section 84(5)(a) of the Commonhold and Leasehold Reform Act 2002, and the applicant will acquire such right three months after this determination becomes final.

The application

1. This was an application under section 84(3) of the Commonhold and Leasehold Reform Act 2002 (“the Act”) for a determination that, on the relevant date, the applicant company was entitled to acquire the Right to Manage (“RTM”) premises known as Little Docklands, 32-74 (evens) Wharf Road, Chelmsford, Essex CM2 6LU (“the premises”).
2. By a claim notice dated 17 October 2025, the applicant gave notice to the respondent that it intended to acquire the right to manage the premises on 1 March 2026.
3. By counter-notice dated 24 November 2025, the respondent disputed the claim. The allegation was that the applicant had failed to establish compliance with sections 78(1) and 79(2) of the Act, claiming that notices of invitation and claim notices were not given to each person as required.
4. The application was dated 10 December 2025. Directions were issued on 17 March 2026 for a paper determination in the absence of a request for a hearing. No such request was received.

The respondent’s case

5. The respondent’s statement of case dated 1 April 2026 confirmed that its challenge was confined to a single leaseholder, Pamela Ann Allen Jones of flat 66. The Claim Notice had listed one Ana Salom Boira as the qualifying leaseholder for that flat but the registered proprietor at all relevant times was Ms Allen Jones. The Register of Members supplied by the applicant on 27 October 2025 did not show Ms Allen Jones as a member of the company.
6. In those circumstances, the respondent submitted that the applicant had failed to comply with section 78(1) of the Act, which requires notice of invitation to participate (“NIP”) to be served on each qualifying tenant who is not, or has not agreed to be, a member of the company. Section 79(2) of the Act confirms that any failure to serve the NIP where it is required prevents the giving of a claim notice. The respondent therefore denied that the applicant had acquired the right to manage on the relevant date.

The applicant’s reply

7. The applicant’s reply dated 20 April 2026 confirmed that Ms Allen-Jones had become a member of the applicant RTM company on 27 January 2025 and had not resigned her membership. As a member, it was not necessary to serve her with a NIP. Her name had been erroneously omitted from the register of members but that issue had now been rectified. If that omission meant that Ms Allen-Jones was not “technically” a member of the RTM company, which was not admitted, the applicant submitted that her agreement to become a member was sufficient under the Act.

8. In the circumstances the applicant was entitled to acquire the right to manage the premises specified in the claim notice on the relevant date.

The tribunal's decision and reasons

9. As stated above, a NIP is only required to be served on a qualifying tenant where that tenant is not, or has not agreed to be, a member of the RTM Company. The applicant has provided evidence that Ms Allen Jones applied for membership on 27 January 2025 and two earlier claim notices that identified her as a member but were subsequently withdrawn.
10. No explanation was provided for the misidentification of the leaseholder for flat 66 in the latest claim notice and the further error in respect of the company register is also unhelpful. That said, the respondent is clear that Ms Allen Jones is the correct person and the applicant has provided sufficient evidence that she had applied to be a member of the RTM company prior to service of the claim notice.
11. In those circumstances, I agree with the applicant that no NIP was required. For the avoidance of doubt, I do not consider the error in the claim notice is fatal to the application as section 81(1) of the 2002 Act makes it clear that any inaccuracy in any of the particulars required in a claim notice will not invalidate it. No further objection has been raised.
12. I therefore determine that the applicant was on the relevant date entitled to acquire the right to manage the premises pursuant to section 84(5)(a) of the 2002 Act.
13. In accordance with section 90(4) of the 2002 Act, the acquisition date is the date three months after this determination becomes final. According to section 84(7):
- “(7) A determination on an application under subsection (3) becomes final—
- (a) if not appealed against, at the end of the period for bringing an appeal, or
- (b) if appealed against, at the time when the appeal (or any further appeal) is disposed of.”

Name: Judge Wayte

Date: 13 May 2026

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).