



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

Case reference : **LON/00AB/LRM/2026/0002**

Property : **Queensmead, Flats 569-599 (Odd Nos.)
Longbridge Road, Barking, London IG11
9BZ**

Applicant : **QMEAD (IG11) RTM COMPANY LTD**

Representative : **RTMF SERVICES LIMITED**

Respondent : **ZIMA REAL ESTATE COMPANY (KSC**

Representative : **AM SURVEYING & BLOCK
MANAGEMENT**

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 : **Tribunal Judge I Mohabir**

Date of decision : **17 June 2026**

DECISION

Decisions of the Tribunal

- (1) The Tribunal determines that the Applicant complied with the statutory requirement to serve a Notice to Claim a Right to Acquire the Right to Manage as required by section 78 of the Commonhold and Leasehold Reform Act 2002.
- (2) The Tribunal determines that on 13 February 2026, the Applicant was entitled to acquire the right to manage the premises pursuant to section 84(5)(a) of the Act, and the Applicant will acquire such right within three months after this determination becomes final (section 90(4)).
- (3) The Tribunal determines that the Respondent shall pay the Applicant £114 within 28 days of this Decision being issued, in respect of the reimbursement of the tribunal fees paid by the Applicant.

Background

1. Unless stated otherwise the page references in this decision are to the pages in the hearing bundle.
2. On 1 September 2025, the Applicant issued this application under section 84(3) of the Commonhold and Leasehold Reform Act 2002 ("the Act") for a decision that, on the relevant date, the Applicant RTM company was entitled to acquire the Right to Manage in relation to premises known as Queensmead, Flats 569-599 (Odd Nos.) Longbridge Road, Barking, London IG11 9BZ ("the premises").
3. It should be noted that this decision is limited to the issue of whether the Applicant is entitled to acquire the right to manage the premises only and not the parallel RTM application in respect of the adjacent premises known as "Kingsmead", which has not been consolidated with this application.
4. On 23 July 2025, the Applicant, a private company limited by guarantee, was formed of eight qualifying tenants with the intention to acquire the right to manage the premises.
5. The premises is a block of flats comprised of 16 qualifying flats. On 9 September 2025, the Applicant issued notices pursuant to section 78 of the Act on all non-consenting qualifying tenants.
6. By a Claim Notice dated 30 September 2025, the Applicant gave notice that it intended to acquire the Right to Manage the Premises on 13 February 2026.
7. By a Counter Notice dated 27 October 2025 the Respondent freeholder disputed the claim, alleging that the Applicant was not entitled to acquire the right to manage the premises for the following reasons:
 - (a) by reason of section 79(5) of the Act, not more than half of the qualifying tenants were admitted members of the RTM company. Furthermore, the Applicant has not disclosed to the Respondent copies

of board resolutions, minutes or other documents evidencing the admission of qualifying tenants as members contrary to its obligations under its Articles of Association and the Companies Act 2006.

- (b) by reason of sections 80(2)(a) (sic) and (3) of the Act, because the claim notice does not expressly specify whether the management of the garages and the storerooms, which are not demised under the residential leases, form part of the premises to which the right to manage is claimed or will be retained under the Respondent's management. This renders the description of the premises ambiguous and incomplete.
8. On 24 February 2026, the Tribunal gave Directions. The issue to be decided is, namely, whether on the date on which the notice of claim was given, the Applicant was entitled to acquire the Right to Manage ("RTM") of the premises. It was directed that this matter could be determined on the papers unless either party requested a hearing. Neither party has done so. The Judge directed that the application form and the supporting documentation should stand as the Applicant's statement of case. Pursuant to the Directions, the parties have filed the following:
- (i) The Respondent's Statement of Case (at p.58-59).
 - (ii) The Applicant's Reply (at p.60-138).
 - (iii) A Bundle of Documents (141 pages).
9. The Tribunal's determination took place on 17 June 2026 based on the evidence contained in the hearing bundle.

Decision

Section 79(5) of the Act

10. The Respondent submitted that the requirement in section 79(5) of the Act was not satisfied because, at the time the claim notice was served, not more than half of the qualifying tenants were admitted members of the RTM company.
11. Section 79(5) of the Act provides:
- "...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".*
12. The Tribunal did not accept that the Respondent's submission that the requirement in section 79(5) had been satisfied for the following reasons:
- (a) the Tribunal found that at the time the claim notice was given (or served) on the Respondent, 8 qualifying tenants were members of the Applicant company and became so on 31 July 2025. There is clear evidence of this from the Register of Members (at p.65).

- (b) the Tribunal found that the premises is comprised of 16 qualifying tenants, of which 8 qualifying tenants were members of the Applicant company at the time the claim notice was served, and this amounted to one half of the total number of flats.
13. As to the Respondent's submission about the alleged failure to disclose copies of board resolutions, minutes or other documents evidencing the admission of qualifying tenants as members, two points arise.
14. Firstly, there is no mention of such an entitlement in section 79 of the Act. The Respondent is not entitled to delve into the procedural background of the company. The Tribunal and the Respondent must accept its membership as shown on the Companies Register (section 127 of the Companies Act 2006).
15. Secondly, in any event, the Applicant has provided the Respondent with the disclosure on 13 October 2025 (at p.135).

Section 80(2)(a) of the Act

16. As the Applicant correctly pointed out in its statement of case, there is no such section in the Act. The Tribunal treats this as an erroneous reference to section 80(2), which provides:

"It (the claim notice) must specify the premises and contain a statement of the grounds on which it is claimed that they are premises to which this Chapter applies".

17. The Tribunal was satisfied that the alleged failure to state whether the garages and the storerooms formed part of the premises to which the right to manage was being acquired was not fatal to the validity of the claim notice.
18. The Tribunal accepted the Applicant's submission that there is no statutory requirement that the claim notice specifies the particular appurtenances and shared estate facilities of the building it is seeking to acquire the management functions of. Authority for that proposition is found in the Upper Tribunal case of *Miltonland Ltd v Platinum House RTM Co Ltd* [2015] UKUT 236 (LC) where it was held that *"the claim notice does not seek to define the appurtenant property but it is not a requirement that it does"*.

Section 80(3) of the Act

19. Section 80(3) provides:

"It (the claim notice) must state the full name of each person who is both –

- (a) *the qualifying tenant of a flat contained in the premises, and*
(b) *a member of the RTM company"*

20. The Tribunal was satisfied that this submission by the Respondent was without any merit. The Tribunal found that there is clear evidence that the schedule of member annexed to the claim notice (at p.28) listed the correct

participating qualifying tenants who are also members of the Applicant. It follows that the Tribunal was satisfied that the requirement in section 80(3) of the Act was met.

Costs

21. Given that the application has succeeded entirely, the Tribunal orders the Respondent to reimburse the Applicant the sum of £114 under Rule 13(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 within 28 days of this decision being issued.

Conclusion

22. 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 Act.

Name: Tribunal Judge I Mohabir

Date: 17 June 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).