



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

Case reference : **LON/00BK/LRM/2026/0015**

Property : **209 Bravington Road, London W9 3AR**

Applicant : **209 Bravington Road RTM Company Ltd**

Representative : **Maya Glaser**

Respondent : **Frederick Mark Peristrom**

Representative : **In person**

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 member : **Judge Adrian Jack**

Date of Directions : **23rd June 2026**

DECISION

1. By an application dated 18th February 2026 the applicant RTM company seeks a declaration that it has validly exercised the right to manage. The Tribunal gave directions on 19th March 2026, which provided for this matter to be determined on the papers in the event that neither party sought an oral hearing. In the event, neither party has sought an oral hearing, so this decision is based on the papers.
2. The property is a converted house dating from around 1900. There are now three flats in the property. The ground floor flat, Flat 1, is held on a long lease by Antony Brown and Ilona Brown jointly. Flat 2 on the first floor is held on a

long lease by Abbeywillow Properties Ltd. Flat 3 on the top floor is held on a long lease by Maya Glaser and Raj Valley jointly. Antony Brown and Maya Glaser are members of the RTM company.

3. Mr Peristrom, the freeholder, served a counter-notice dated 6th January 2026 to the RTM company's claim to exercise the right-to-manage. This raised a point that there were arrears of service charges by some of the tenants. This is a bad point. The fact that there are arrears does not prevent the right-to-manage being exercised. In his submissions to the Tribunal he did not pursue this point. Instead he argues that Abbeywillow Properties Ltd cannot be a qualifying tenant for the purposes of the RTM legislation, because it is a company.
4. I do not accept this argument. Section 75 of the Commonhold and Leasehold Reform Act 2002 provides:
 - “(1) This section specifies whether there is a qualifying tenant of a flat for the purposes of this Chapter and, if so, who it is.
 - (2) Subject as follows, a person is the qualifying tenant of a flat if he is tenant of the flat under a long lease.
 - (3) Subsection (2) does not apply where the lease is a tenancy to which Part 2 of the Landlord and Tenant Act 1954 (c. 56) (business tenancies) applies.
 - (4) Subsection (2) does not apply where—
 - (a) the lease was granted by sub-demise out of a superior lease other than a long lease,
 - (b) the grant was made in breach of the terms of the superior lease, and
 - (c) there has been no waiver of the breach by the superior landlord.
 - (5) No flat has more than one qualifying tenant at any one time; and subsections (6) and (7) apply accordingly.
 - (6) Where a flat is being let under two or more long leases, a tenant under any of those leases which is superior to that held by another is not the qualifying tenant of the flat.
 - (7) Where a flat is being let to joint tenants under a long lease, the joint tenants shall (subject to subsection (6)) be regarded as jointly being the qualifying tenant of the flat.”
5. There is no exclusion of companies in this provision. In these circumstances, Abbeywillow Properties Ltd in my judgment is a qualifying tenant. Although there was initially some confusion about whether the notice to participate was served on Abbeywillow, I am satisfied that a valid notice to participate was

served on Abbeywillow by email of 31st October 2025 timed at 5.08pm in accordance with the instructions of Mr Beaumont, who was acting on Abbeywillow's behalf, in his email of the same date timed at 3.11pm.

6. Mr Peristrom argues that the leaseholders of Flat 3 have unilaterally taken possession of the loft space above their flat and are improperly using an external roof space outside the demise. They have also, he says, carried out works without his authorisation. He asks the Tribunal "to order Ms Glaser and her joint lessee to vacate the loft space and flat roof completely and return the property to the same state as before she undertook her building works."
7. In my judgment, the Tribunal has no jurisdiction to grant an injunction in the form claimed. That is a matter for the County Court. Nor does the tenants' use of the loft and the roof area mean that Flat 3 is no longer a self-contained unit. The flat remains exactly the same as it was when it was demised; it is simply that (on the freeholder's case) the tenants have encroached on adjacent spaces.
8. Likewise the complaint that various works Ms Glaser has carried out on her flat have reduced the value of other flats in the premises is not within the Tribunal's jurisdiction. Nor is it relevant to the RTM company's application. If the requirements of the 2002 Act are satisfied, the Tribunal has no residual discretion to refuse to recognise the exercise of the right-to-manage.
9. I find that the RTM company has validly served notices on the relevant tenants. Abbeywillow Properties Ltd has declined to participate, but there are two qualified tenants out of three who are participating. That is sufficient to allow the RTM company to exercise the right-to-manage. I find against Mr Peristrom on his arguments against declaring that the right-to-manage has been validly exercised.
10. It follows that the RTM company will acquire the right-to-manage three months after this decision becomes final. Time runs from the expiration of the time for appealing, if no appeal is brought, or from the date of final resolution of any appeal.

DETERMINATION

- (a) It is declared that the applicant RTM company will acquire the right-to-manage the property three months after the final determination of its application.
- (b) Any claim for costs should be made to the Tribunal within fourteen days and copied to the other side.

Name: Judge Adrian Jack

Date: 23rd 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).