



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

Case Reference	:	HAV/40UG/LOA/2025/0001
Property	:	Doveton House, 53 Long Street, Williton, Taunton, TA4 4QY
Applicant	:	Doveton House RTM Company Limited
Representative	:	Mr Philip Martin, Director
Respondent	:	Brian McCormick
Representative	:	Not traced and not represented
Interested Parties	:	(1) Ms Michelle Stewart (Flat 1) (2) The Personal Representatives of Mr Ian Williams (Flat 3) (3) Ms Kathryn Le Cren (Flat 2)
Representatives	:	Not appearing and not represented
Type of Applications	:	Application for the Right to Manage Under section 85(2) of the Commonhold and Leasehold Reform Act 2002
Tribunal Members	:	Judge Paul Letman MBE
Date and venue of determination	:	20 July 2026 On Paper
Decision	:	27 July 2026

**DECISION
WITH REASONS**

Summary of decision

1. The Right to Manage application herein under section 85(2) is granted and the appropriate orders made below.

Introduction

2. The Applicant is a right to manage (RTM) company (see further below). By an application (in form Leasehold 8) dated 12 November 2025 ('the Application') the Applicant seeks a determination that it is entitled to acquire the right to manage the Property pursuant to section 85(2) of the Commonhold and Leasehold Reform Act 2002 (the CLRA 2002).
3. The Application describes the Property as a "converted farmhouse style residential building comprising with shared parts believed to have been converted late 20th century." There are said to be "communal areas, communal garden, carpark, and other appurtenant property" and that there are 4 flats within the Property.
4. The Respondent is said to be a missing landlord and that he could not be traced despite reasonable enquires and reference was made in the application to a witness statement and a "tracing log" and separately to "Tab C of the bundle". The Respondent is said to have ceased undertaking management of the Property in the late 1980s/ early 1990s.
5. The Applicant also provided two documents with the email filing of the application over and above the application notice itself (so 3 attachments in total). Those comprised a document described as a Claim Notice addressed to the Respondent, although it was said that it could not be served on the Respondent, and a short witness statement, which added a little in respect of efforts to trace the Respondent.

First Directions

6. On first review of the Application by the Tribunal, it appeared to Judge Dobson that the said witness statement may be relied up to describe the circumstances in which the Respondent could not be traced and to meet the requirements of sections 78 and 79 of CLARA. However, it was noted that company documentation had not been provided, the "tracing log" had not been provided and that the Tribunal did not have a bundle, which provided supportive evidence about attempts to trace or otherwise. It was not therefore clear to the Tribunal at that stage exactly what steps had been taken and whether there was any method of provision of documents to the Respondent which may be possible.
7. Further, the Tribunal noted that the Application was signed by one Mr Philip Martin, who was identified in documents accompanying the application as the lessee of Flat 4 and a member and director of the Applicant company. Those documents also indicated that there was a further member of the

Applicant, one Mr Ian Pope, the lessee of Flat 2, although it was not then apparent whether he was also a director. It was also noted that logically it followed that there were 2 other lessees who were not it seemed members of the Applicant (described by the Tribunal as Interested Persons). No details of them were provided by the Applicant nor was it clear whether they accepted service took place of any notices required to be served on them. There were no copies of any such notices addressed to them or evidence of service included in the Application.

8. In the circumstances, the Tribunal identified at that stage the following issues to be determined:
 - (i) Has the Applicant at the time of applying or subsequently provided the evidence and documentation required?
 - (ii) Is the Respondent unable to be traced?
 - (iii) Should service of any notice on the Respondent be dispensed with?
 - (iv) Assuming that the Respondent could be served with this application, does the Respondent dispute the entitlement of the Applicant to acquire the right to manage?
 - (v) Have the relevant notices been served on the other qualifying tenants?
 - (vi) Do they object to the application and dispute the right to manage and if so then on what basis?
 - (vii) Has the Applicant demonstrated that it is entitled to acquire the right to manage? (Irrespective of any response of other parties or lack of it, the Tribunal needs to determine whether the Applicant has demonstrated an entitlement to acquire the right to manage).
9. In the premises, and to enable these issues to be addressed, the Tribunal made first directions on 10 April 2026 ('the Directions') providing in summary for the following steps to be taken:
 - (1) For details of the Interested Persons to be provided to the Tribunal and for the Applicant to serve the Application on them and provide proof of service by end April 2026.
 - (2) For the Respondent and Interested Persons to acknowledge receipt of the directions then made and notify the Tribunal of any appointed representative.
 - (3) For the Application to be determined on paper unless subsequently ordered to the contrary.
 - (4) Preparation and service by 1 May 2026 of a statement of case by the Applicant setting out its case and appending copy documents relied upon and any witness statement in support.
 - (5) Statements of case in response from the Respondent and Interested Parties, if they opposed the Application, by 12 June 2026 and for a reply by the Applicant by 19 June 2026.
 - (6) Provision was also made for witness statements and expert evidence, if required, and preparation of a hearing bundle by end of June 2026.

Subsequent Events

10. Pursuant to the Directions (above), the following steps have since been taken:

- (1) Provision of the details of the Interested Persons by the Applicant to the Tribunal, in accordance with paragraph 12 of the Directions;
 - (2) Service of the application form, supporting documentation and Directions on the Interested Persons by 22 April 2026, in accordance with paragraph 13 of the Directions;
 - (3) Preparation of a statement of case dated 14 May 2026 by the Applicant appending the original witness statement in support dated 13 November 2026 from Mr Philip Martin with supporting documents at exhibits PM1 to PM19 and a second witness statement from him dated 13 May 2026 with further exhibits, PM20 to PM25.
 - (4) Service of the Applicant's statement of case and other documents referred to above on the Interested Persons by 15 May 2026. However, these were not served on the Respondent because, as explained in the 13 May 2026 witness statement, the Respondent 'remains untraceable' (paragraphs 5 to 10 of that statement refer).
11. The second witness statement of Mr Martin records also the fact that on 20 April 2026, he informed the Tribunal of a number of recent developments. Firstly, that Mr and Mrs Pope of Flat 2, sold their property in March 2026 to a Ms Kathryn Le Cren. That accordingly the Applicant also served its' Application and documents in support on her pursuant to paragraph 13 of the Directions. That on 12 April 2026, Ms Le Cren became a member of the Applicant (PM2 refers).
 12. Further, the evidence from Mr Martin is that Mr Williams, the owner of Flat 3, died on or about 18 April 2026. That his granddaughter, Ella Williams, has advised that correspondence relating to Flat 3 may continue to be sent to her and that she will pass this on to the personal representatives of Mr Williams' estate (albeit the PR's are not identified).
 13. In light of the foregoing, the file in this application was reviewed by Judge Lumby as regards its suitability for paper determination. By directions dated 7 July 2026, Judge Lumby directed that the application was suitable for paper determination and that the application should be determined on the papers in a timely manner. The application was duly assigned to this Tribunal for determination on 20 July 2026.

Consideration of the RTM

14. The relevant statutory jurisdiction is under Part 2, Leasehold Reform, Chapter 1, Right to Manage, of CLRA 2022 and specifically for present purposes sections 71 to 90 (as amended). For completeness a copy of these sections (as amended) is annexed hereto at Annex A.
15. Suffice to say, the principal issues to be determined are whether the Applicant has undertaken sufficient efforts to seek to trace the Respondent and whether it has otherwise complied with the relevant provisions of the CLRA 2022.
16. As regards the status of the Applicant to make this application, it is clear that it is properly incorporated as an RTM company (in accordance with section

73) for the purposes of this claim under Chapter 1. The Tribunal notes in this regard the certificate of incorporation dated 29 September 2025 [81], the certificate of change of name [82] and the use of the model articles of association [85-100] contained in the application bundle. Also, that Mr Martin (Flat 2) and Mr Pope (Flat 4) were each appointed as directors on 29 September 2025 (Mr Pope resigned on 11 March 2026).

17. So far as section 72 of CLRA 2022 is concerned, the Claim Notice dated 22 October 2025, confirms that Chapter 1 applies to the premises [55-59]. Further, it is apparent from the evidence filed (the Index Map search (PM [59]) and photographic evidence (PM19 [105]) that the premises consist of a self-contained building with appurtenant property, comprising communal garden, driveway and rear carpark (as shown edged red on the attached plan). It is also clear the Property contains two or more flats held by qualifying tenants.
18. As regards the total number of flats held by such tenants not being less than two-thirds of the total number of flats contained in the premises, although the Tribunal does not have details of the leases for Flats 1 and 3, given the inherent likelihood that these flats are let on like terms to Flats 2 and 4 and the fact that no issue has been taken in this regard, the Tribunal accepts that the owners of those flats are also qualifying tenants. The Tribunal is satisfied, therefore, and duly finds that the Property does constitute premises to which Chapter 1 applies.
19. As to compliance with section 78, the Applicant's case is that notices inviting participation were sent on 2 October 2025 to those leaseholders who at that time were neither nor had agreed to become a member of the Applicant, namely (PM1 refers):
 - (1) Michelle Stewart, of Flat 1, Doveton House, 3 Long Street, Williton, Somerset, TA 4 4QY [39-41],
 - (2) Mr Williams, at Flat 1, Doveton House, 3 Long Street, Williton, Somerset, TA 4 4QY [43-45],
20. It is noted, however, that the notice to Mr Williams was itself misaddressed to him at Flat 1, when it is understood he is the lessee of Flat 3. However, proof of service on 04 October 2025 is provided at PM2 [47-49] in relation to each of Flat 1 (tracking number ending 49GB) and apparently also Flat 3 (for which the postcode is said to be TA24 5JB and the tracking number ends 35GB). The Tribunal is satisfied, therefore, that a notice of participation was given to each of the relevant (non-member) leaseholders.
21. As to section 85, to be entitled to rely upon this section a number of requirements for which it provides need to be met. Firstly, under section 85(1)(a) the RTM must comply with sub-section (5) of section 79. In the circumstances set out above the Tribunal is satisfied that it does; at the date of application to the tribunal, 2 of the 4 leaseholders were members of the

RTM, so necessarily meeting the applicable minimum requirements (of not less than half the number of qualifying leaseholders) set by section 79(5). Further, it is not apparent that there are any other reasons why the Applicant would be precluded from giving a valid notice under that section with respect to the premises (section 85(1)(b) refers).

22. Secondly, the Tribunal must be satisfied that prior to the making of any order under section 85, the Applicant has given notice of the application under that section to each person who is a qualifying tenant of a flat contained in the premises (section 85(2) refers). The Applicant's evidence refers to the fact that on 22 October 2025 it gave notice of its intention to make an application, to Mr Pope of Flat 2 at an address in Bridgwater [53], to Ms Stewart at Flat 1, and to Mr Williams of Flat 3 at an address in Minehead [63]. More relevantly, however, pursuant to the Directions Ms Stewart has been given notice of the Application and the opportunity to respond (see the emails of 20 April 2026 at [110] and 14 May 2026 [112]); though she has not done so.
23. The Tribunal is satisfied also that Mr Williams has been given notice via his granddaughter to his personal representatives (see the emails of 20 April 2026 [111] and 14 May 2026 [113]). As a director of the Applicant (up until 11 March 2026), the Tribunal accepts also that Mr Pope was given adequate notice of the application as well. As for the new qualifying tenant of Flat 2 (having purchased from the Popes), Ms Le Cren, it is clear that she too was given notice on 20 April 2026 (the email at [115] refers) of the Application; indeed, as noted above, she has become a member of the Applicant (see [116]) and plainly knows of and supports the Application.
24. The key remaining issue, therefore, is whether the Tribunal is satisfied that the Applicant has taken sufficient steps, including by way of advertisement or otherwise, to trace the landlord under the flat leases. The evidence before the Tribunal in this regard is set out under paragraphs 14 to 23 of Mr Martin's first witness statement and confirmed by the 'Tracing Log' now produced at PM8. In summary, the steps taken comprise the following:
 - (1) A search as HM Land Registry, that failed to disclose any address for the freeholder [71-73];
 - (2) A search of historical documentation including the leases for any contact addresses;
 - (3) Local enquires over the past 20 years;
 - (4) A search of Companies House register;
 - (5) A search of GOV.UK 'Find a will or probate' service for the years 1980-2025 which did not produce any evidence indicating Mr McCormick has died [75];
 - (6) A search to find any solicitor or agent used by the freeholder;
 - (7) The instruction of Vilcol Ltd a tracing agent with expertise in finding missing persons (see their report at [76-77]);
 - (8) A public advert on 1 October 2025 in the London Gazette [78-79].

None of these enquiries have revealed any address or other information that might lead to locating the whereabouts of the freeholder for the purposes of serving a claim notice.

25. In light of the foregoing, the Tribunal is satisfied that the Applicant cannot find the freeholder to whom the claim notice would be required to be given (it is not understood to be the case there are any other relevant parties). That being the case, and the Tribunal being satisfied (as above) that the Applicant has otherwise complied with the relevant provisions of the CLRA 2022, the Applicant is entitled to an order under section 85(2) that it is to acquire the right to manage the Property.

Conclusions and Order

26. For the reasons set out above and based upon the evidence filed, the Tribunal is satisfied and duly orders pursuant to section 85(2) of the CLRA 2022 that the Applicant is to acquire the right to manage the Property.
27. Further, in the premises the Tribunal accepts that it would be convenient, as proposed by the Applicant, for the right to manage to commence in some 3 months' time. Accordingly, under and for the purposes of section 90(6) of the CLRA 2022, the Tribunal orders that the acquisition date is 1 November 2026.

Dated as above.

Right to Appeal

Pursuant to rule 36(2)(c) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 (SI 2013/1169) ('the Rules') the parties are duly notified that they have a right of appeal against the decision herein.

That right of appeal may be exercised by first making a written application to this tribunal for permission to appeal under rule 52 of the Rules. An application for permission to appeal must be sent or delivered to the tribunal so that it is received **within 28 days** of the latest of the dates that the tribunal sends to the person making the application, (a) written reasons for the decision or (b) notification of amended reasons for, or correction of, the decision following a review (under rule 55) or (c) notification that an application for the decision to be set aside (under rule 51) has been unsuccessful.

ANNEX A
Sections 71 to 90 of the CLRA 2022