



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

Case Reference	: HAV/43UC/LRM/2025/0615
Property	: Tayles Hill House, Tayles Hill Drive, Epsom, KT17 1NL
Applicant	: Tayles Hill House RTM Company Ltd
Respondent	: Avon Ground Rents Limited
Representative	: Scott Cohen Solicitors
Type of Application	: S84(3) Commonhold and Leasehold Reform Act 2002 – determination as to whether the Applicant has acquired the right to manage
Tribunal Member	: Judge R Cooper Mr A Crawford MRICS
Date and venue of determination	: 16 June 2026 Remote paper determination
Date of decision	: 10 August 2026

Summary decision

The Applicant has not acquired a right to manage Tayles Hill House, Tayles Hill Drive, Epsom, KT17 1NL.

Background

1. Tayles Hill House RTM Company Limited ('the RTM Company') is the Applicant. Avon Ground Rents Limited is the Respondent.

2. Tayles Hill House, Tayles Hill Drive, Epsom, KT17 1NL ('the Property') is a block of self-contained flats which have been sold off on long leases. The Respondent is the freeholder of the Property and is the landlord of the leasehold properties.
3. It is said that on 16 May 2025 a decision was made by a majority of lessees to form a company with a view to acquiring the right to manage the Property. They instructed Investment Technology Limited (trading as Cannonbury Management) to undertake the acquisition process for them.
4. On 21 May 2025 the RTM Company was incorporated (reference 16464261) with prescribed articles of association [18]. It is said that the leaseholders of 15 of the 17 flats in the Property had subscribed as members of the company.
5. By a Claim Notice said to have been served on 11 June 2025, the Applicant gave notice that it intended to acquire the Right to Manage the Property on 25 October 2025. The Claim Notice provided for any counter notice to be given by 18 July 2025.
6. A counter notice dated 15 July 2025 was sent by the Respondent disputing the Claim Notice. It denied that the Applicant was entitled to acquire the Right to Manage the Property. The Applicant said that counter notice was received on 21 July 2025.
7. On 9 September 2025, the Tribunal received by email an application from the RTM Company (dated 27 August 2025) for a determination to be made that, on the relevant date, the Applicant was entitled to acquire the Right to Manage the Property under section 84(3) of the Commonhold and Leasehold Reform Act 2002 ('the Act').
8. On 11 February 2026, Directions were issued by Judge Lumby setting out the issues identified as requiring determination and a timetable for the exchange of documents in preparation for a final determination to be made on the papers. The parties were directed to notify the Tribunal if they objected to a paper determination.
9. No objection to a paper determination was received.
10. Regional Surveyor Coupe reviewed the bundle on 22 May 2026 and confirmed the case remained suitable for a paper determination.

The issues for determination

11. The Tribunal in its directions of 11 February 2026 identified two issues to be decided namely:
 - (i) Whether on the date on which the notice of claim was given, the Applicant was entitled to acquire the Right to Manage the Property specified in the notice, and

- (ii) Whether the Respondent served their counter notice within the required period.

The Documents

12. The Tribunal considered the documents in an appeal bundle comprising 300 PDF pages. Although it appears that part of the list of members of the RTM Company and the list of non-members [302] were not included, the Tribunal was satisfied these documents would have made no material difference to the decision it made as the list of members (and therefore, by inference, non-members) were included in several other places elsewhere in the papers.

Preliminary issues

13. The Applicant requested the application be dealt with on the papers and the Respondent had not objected. Having considered Rule 31 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 and the overriding objective in Rule 3, the Tribunal was satisfied that it was proportionate, fair and in the interests of justice to make a paper determination and there was no need to adjourn for the parties to attend. The Tribunal maintained its consideration of this issue until the point of making the final determination and was satisfied that natural justice did not require the matter to be adjourned.

The legal framework

14. The relevant law relating to acquiring the Right to Manage is set out in sections 71 to 94 and Schedule 6 of the Commonhold and Leasehold Reform Act 2002 (as amended) ('the Act'). Sections 72 to 77 and Schedule 6 set out the eligibility requirements - as regards premises (s72 and Schedule 6), the incorporation and constitution of the RTM company (ss73 to 74), the requirements as regards who is a qualifying tenant (s75) and what is a long lease (s76 and 77).
15. Sections 78 to 81 set out the procedural requirements, in particular the provision of a notice inviting participation (or NIP) for any qualifying tenant who is not a member of the RTM company (s78) and the requirements as to the validity and service of the notice of claim to acquire the right to manage or 'Claim Notice' (ss79 to 81).

The Application

16. The Applicant's case is set out in the application [3 to 11], the statement of case [12 to 13] and supporting evidence. The Applicant, in summary, says that Tayles Hill House meets the requirements of ss72 to 77 of the Act for right to manage to apply. The Property is a self-contained building containing 17 flats, all held on long leases, that at least two-thirds of the flats are held by qualifying tenants, and no exclusion under Schedule 6 applies [12].

17. The Applicant provides evidence that the RTM Company was incorporated on 21 May 2025 [18] and is limited by guarantee. It adopted the prescribed RTM model articles and the company's objects are limited to acquiring and exercising RTM [19 to 30].
18. In relation to qualifying tenants and membership of the RTM Company, the Applicant states that all qualifying tenants were either founding members of the company or were properly served with a Notice Inviting Participation (NIP) under s78 of the Act. The Applicant says NIPs were sent by first class post on 23 May 2025 and were deemed served two working days later. The Applicant has provided copies of the NIPs that were served [97–114].
19. In relation to the Claim Notice, the Applicant's case is that a valid Claim Notice under s79 of the Act was served on 11 June 2025 on the freeholder (Avon Ground Rents Limited) and their managing agents (Y&Y Management) [115-122]. It also confirms a copy of the Claim Notice was served on all qualifying tenants (both those who were members of the RTM Company and those who were not) [129-290], and that service was by first-class post. Copies of these documents have also been produced in evidence.
20. The Applicant submits that although a Counter-Notice was received on 21 July 2025 (dated 15 July) it does not identify any valid statutory ground that defeats the claim, and the Tribunal should, therefore, determine that the RTM Company was entitled to acquire the RTM on the acquisition date (namely 25 October 2025).

The Response

21. The Respondent has provided no response to the Applicant's application, notwithstanding the directions given by Judge Lumby on 11 February 2026. The only document setting out the Respondent's position is the counter notice sent with the covering letter dated 15 July 2025 [15].
22. The Respondent denies the RTM Company's right to acquire the right to manage on the grounds, in summary, that
 - (i) a NIP had not been given to each person required by s78(1) of the Act.
 - (ii) a Claim Notice could not be given because a NIP had not been given to each person required (s79(2))
 - (iii) the NIP did not contain the particulars required by s78(2)
 - (iv) the NIP did not comply with the form prescribed by regulations provided under s78(3)
 - (v) the NIP failed to specify times for inspection required by s78(5) and
 - (vi) the Claim Notice was not given to each person required by s79(6)

23. However, no further particulars of these matters were provided by the Respondent.

Discussion and conclusions

24. In this application, the Respondent objects to the Applicant's right to acquire the right to manage the Tayles Hill House on the basis that it failed to comply with various procedural requirements in sections 78 and 79 of the Act.
25. The Respondent, however, has provided nothing other than a generic list of alleged failures contained in its counter notice without particularising the reasons for its assertions. The Respondent has also failed to comply with the Tribunal's directions of the 11 February 2026 which required it to set out its position in response to the application.
26. However, notwithstanding those failures, having considered the totality of the evidence the Tribunal determines that the Applicant has not acquired the right to manage the Property for the following reasons.
27. The Tribunal, for convenience, deals firstly with the issue of whether the Respondent's counter notice was served in time. Section 84 provides, in summary, that when a person is given a Claim Notice by an RTM company, they may give a counter-notice to the company by no later than the date given in the Claim Notice. In this case, the Claim Notice of 11 June 2025 stated that any counter notice had to be given by 18 July 2025 [124].
28. The counter notice appears to have been sent under cover of a letter from the Respondent's solicitors dated 15 July 2025 [15]. The Applicant says that was not received until 21 July 2025, but makes no further submission as regards the validity of the counter notice.
29. The Tribunal finds the Applicant has produced no evidence to suggest that the counter notice was not sent on 15 July 2025 or anything to demonstrate that the date of receipt was not before 18 July 2025. The Tribunal is satisfied that the Applicant on its own evidence declares that its offices are not attended [115]. It is therefore unclear how the Applicant could say whether or not the counter notice was received by 18 July 2025, or on what basis it claims it was not received until 21 July. Whilst the Applicant might for convenience prefer counter notices be served by email because its offices are not attended, there is no legal requirement for the Respondent to do so. In the normal course of events service is deemed on the second working day after posting with first class delivery (in other words the 17 July 2025), and the Tribunal finds, on balance the counter notice was given in the required period.
30. In relation to the procedural requirements, the Tribunal found the Applicant had not demonstrated acquisition of the right to manage from 25 October 2025 or any other time for the following reasons.

31. On the basis of the evidence including office copy entries from HM Land Registry, the Tribunal is satisfied that the Respondent is the freehold owner of Tayles Hill House which is a self-contained building comprising 17 flats all held on long leases of more than 21 years [32-37].
32. From the Companies House records the Tribunal finds that the Tayles Hill House RTM Company Limited ('the RTM Company') was incorporated on 21 May 2025, not 23 May 2025 as stated in the Applicant's statement of case [12].
33. The Applicant identifies 21 members of the RTM Company who are said to occupy 15 of the 17 flats [19].
34. Whilst the Applicant in its statement of case says each of the members confirmed their agreement to participate in the right to manage application and their eligibility to do so [12] the Tribunal finds the evidence relied on by the Applicant does not wholly support that claim.
35. In relation to flat 9, the Applicant says in its statement of case [13] and Claim Notice [119] that the qualifying tenants are Sally Cao and Ke Li both of whom are listed as members of the RTM Company [19]. However, the lease the Applicant relies on for flat 9 shows only Ke Li as the registered owner. Whilst the Tribunal accepts that Sally Cao could, potentially, have an equitable leasehold interest in the property, no evidence has been produced demonstrating that to be the case. On the evidence before it the Tribunal finds that Sally Cao is not a qualifying tenant, and she was not, therefore, entitled to be a member of the RTM Company.
36. In addition, in relation to flat 11, the Applicant says the qualifying tenants are Shannon Ferguson and Ryan Ferguson [13] and they are listed as members of the RTM Company [19]. However, the lease the Applicant relies on in evidence for flat 11 shows the registered owners from 24 May 2021 to be Claire Lucy Marie Henry and Hayden Michael O'Connor [44] who are not listed as members of the RTM Company and are not named in the Claim Notice.
37. On balance, the Tribunal finds that the Applicant has not demonstrated that Sally Cao (of flat 9), or Shannon Ferguson and Ryan Ferguson (of flat 11) were qualifying tenants at the time of incorporation of the RTM Company on 21 May 2025. They were, therefore, not entitled to be members of the RTM Company by virtue of s74 of the Act. In addition, the Tribunal found no evidence demonstrating they were qualifying tenants at the time of service of the Claim Notice on 11 June 2025.
38. The Tribunal is satisfied that Ms Henry and Mr O'Connor were not members of the RTM Company as they are not named either in the list of subscribers to the company [19] or in the register of members [299]. Nor are they listed as members in the Claim notice.

39. The Tribunal accepts that s81(1) of the Act provides that an inaccuracy in any of the particulars required in relation to the Claim Notice by virtue of s80 does not invalidate a claim notice. It also accepts that s81(2) provides that where any member of the RTM Company whose names are given in the claim notice was not a qualifying tenant, the Claim Notice is not invalidated so long as not less than one half of the qualifying tenants of flats in the premises were members of the RTM company.
40. The Tribunal is satisfied that because the other long leaseholders (who occupied 14 of the 17 flats in the Property) were members of the RTM Company, the errors identified above in paragraphs 33 to 37 do not invalidate the Claim Notice.
41. However, the Tribunal is satisfied that as Ms Henry and Mr O'Connor of flat 11 were not members of the RTM Company, s78(1) of the Act required that a NIP must be served on them. The evidence shows that NIPs were served on Joseph John Boardman and Katie Louise Boardman of flat 8 [103 and 109] and Sheila Denise Davies of flat 12A [98]. However, there is no evidence demonstrating a NIP was served on Ms Henry and Mr O'Connor of flat 11. That is a breach of the requirements of s78(1) as stated by the Respondent in the counter notice.
42. On that basis alone, the Tribunal determines that the Applicant is not entitled to acquire the right to manage the Property.
43. In addition, by virtue of s79(2) of the Act the Claim Notice could not be given unless each of the people who were required to be given a NIP had been given one at least 14 days before the Claim Notice was served on 11 June 2025. As the Tribunal finds Ms Henry and Mr O'Connor were not served with a NIP, the Claim Notice could not be served. This was also cited as a ground in the Respondent's counter notice.
44. Furthermore, even if a NIP had been served on them, there was no evidence the Claim Notice was served on Ms Henry and Mr O'Connor, and this too is a breach of the procedural requirements (s79(8) of the Act) as stated by the Respondent in the counter notice.
45. The Tribunal was also satisfied that these procedural breaches were prejudicial to Ms Henry and Mr O'Connor who had both been denied the opportunity to become members of the RTM Company and had not been notified of the steps being taken to acquire the right to manage the Property.
46. The Tribunal is satisfied, therefore, that these failures to comply with the procedural requirements render the Claim Notice of no effect and the Applicant has not acquired a right to manage the Property.
47. Whilst it would have made no difference to the Tribunal's determination, because no prejudice would have been suffered by the Respondents, the Tribunal also found that the NIPs served on Mrs and Ms Boardman and

Ms Davies were defective in that they failed to comply with the provisions of s78(5) of the Act as regards inspection of the Articles of Association.

Conclusion

48. Accordingly, the Tribunal determines that the Tayles Hill House RTM Company has not acquired the right to manage Tayles Hill House with effect from 25 October 2025 or at all.

Note: Appeals

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 that 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, and should be sent by email to rpsouthern@justice.gov.uk.
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.