FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference	**:**	HAV/00LC/LAM/2026/0025/ and HAV/00LC/LAM/2026/0032/
Property	**:**	Tower Marina Point West, Chatham Quays, Chatham Kent, ME 4 4ZE
Applicant	**:**	Aviva Investors Ground Rent GP Limited Aviva Investors Ground Rent Holdco Ltd (as trustees for and on behalf of the Aviva Investors Real Ground Rent Limited)
Representative	**:**	Simon Allison KC of counsel Lucy Walsh, Shoosmiths LLP
Respondent	**:**	MPWRA – RTM Company Ltd
Representative	**:**	Mr Arundel
Type of Application	**:**	Appointment of a Manager Section 24 Landlord and Tenant Act 1987
Tribunal Members	**:**	Deputy Regional Judge P Pattni-Evans Regional Judge Whitney Mr C Davies FRICS
Date of Hearing	**:**	9 November 2026
Date of Decision	**:**	12 November 2026

DECISION

The applications for the appointment of a manager pursuant to section 24 of the Landlord and Tenant Act 1987 are dismissed. Following the dissolution of the RTM company, management of the Property reverted to

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the Applicants by operation of law. The Tribunal's reasons for dismissing the applications are set out below.

Introduction

1. This matter concerns the property known as Tower Marina Point West Chatham Quays Chatham Kent ME4 4ZE (the 'Property'). It is a twenty-storey building comprising 120 residential apartments, all of which have been let on long leases. The Property is registered with the Building Safety Regulator ('BSR') as a higher-risk building ('HRB'). The Applicant is the registered proprietor of the superior leasehold interest in the property, registered at the Land Registry under title no K924653. The Respondent is a right to manage ('RTM') company incorporated to exercise the right to manage the Property pursuant to Chapter 1 of Part 2 of Commonhold and Leasehold Reform Act 2002 ('the 2002 Act').

2. The Applicant sought the appointment of a manager pursuant to section 24 of the Landlord and Tenant Act 1987 ("the 1987 Act"). The matter was expedited by the Tribunal because of the underlying urgency, amid ongoing remedial works the Property was without any person able to legally manage it.

3. In light of the unusual circumstances in which the matter came before the Tribunal, the Tribunal determined the applications at the hearing and gave an extempore decision dismissing them. The reason for this is that by the date of the hearing, the RTM company had been dissolved and removed from the register. The legal consequence of which, as accepted by the Applicant, was that the management functions previously exercisable by the RTM company ceased and responsibility for the management of the Property reverted to the Applicant as landlord.

4. The power to appoint a manager under section 24 of the 1987 Act is a remedial jurisdiction intended to displace an existing management regime where the statutory grounds are established and where the appointment of a manager is 'just and convenient'. In the circumstances prevailing at the date of the hearing, there was no longer any operative RTM company exercising management functions. The position which the applications sought to address had therefore ceased to exist. In those circumstances, the Tribunal concluded that it was neither necessary nor appropriate to exercise its discretion to appoint a manager.

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5. The Tribunal now issues its decision in writing for the benefit of the parties. The absence of specific reference to a document, authority or submission should not be taken to mean it has not been considered. The Tribunal has focused on the principal issues requiring determination and has had regard to the Senior President of Tribunals' Practice Direction, *Reasons for Decisions* (4 June 2024).

Background

6. There are no significant disputes of fact that would have a material bearing on the outcome of this case. This decision turned on the chronology of events affecting the RTM that took place earlier this year, to put matters into context, the salient facts are set out below.

7. The management functions relating to the Property transferred to the Respondent RTM company on 1 July 2022. The RTM company subsequently appointed Aspire Block and Estate Management Limited ('Aspire') as managing agent. The Property required substantial fire-safety remediation works. Mr Arundell explained that the RTM company had adopted a proactive approach to the management of the Property, including addressing a significant number of fire-safety and compliance issues, securing government funding for remediation works, and commissioning further investigations into the condition of the building. However, he stated that significant concerns remained regarding alleged structural defects and fire-stopping issues within the Property.

8. Mr Arundell's evidence was that, by 2026, the directors of the RTM company considered their position as Principal Accountable Person under the Building Safety Act 2022 to be increasingly challenging in circumstances where substantial remediation works remained outstanding. He also described the personal impact that those responsibilities had had upon him. According to Mr Arundell, the active members of the RTM company subsequently resolved to instruct Aspire Block and Estate Management Limited to commence a process intended to bring about the winding up and dissolution of the RTM company but, this did not take place as intended.

9. On 29 June 2026, Mr Arundell notified the Applicant that all directors intended to resign on 30 June 2026 and that, in the Respondent's view, responsibility for management of the Property would thereafter revert to the Applicant. The Applicant disagreed and maintained that the Respondent would continue to be responsible for exercising the management functions acquired pursuant to the

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2002 Act. The Applicant also maintained that the Respondent would continue to be the Principal Accountable Person for the purposes of the Building Safety Act 2022. The Applicant requested that the directors defer their resignations in order to allow the parties to reach an agreement pursuant to section 105(2) of the 2002 Act, but this did not take place either.

10. It was common ground that all directors resigned on 30 June 2026. Mr Arundell subsequently informed the Building Safety Regulator that the Respondent considered its role as Principal Accountable Person to have come to an end. However, the Applicant took the view that the Respondent continued to hold the management functions acquired through the right to manage legislation despite the absence of a functioning board. The Applicant also considered that the Respondent remained responsible for its obligations as Principal Accountable Person under the Building Safety Act 2022 ('2022 Act').

11. During August 2026, Mr Arundell was reappointed as a director of the Respondent and took steps which included seeking to terminate Aspire's appointment as company secretary and progressing an application to strike off the Respondent. The Applicant questioned the validity of those steps, contending that no members' resolution had been passed authorising Mr Arundell's appointment. The parties took differing positions regarding the validity and effect of those events, but as matters transpired, the RTM was ultimately struck off.

12. By way correspondence dated 2 September 2026, the Building Safety Regulator informed the Applicant that the Respondent remained the legally responsible Accountable Person and Principal Accountable Person until it was formally dissolved or otherwise ceased to satisfy the statutory definition under the 2022 Act.

13. On 3 September 2026, the Applicant issued the first application seeking the appointment of a manager pursuant to section 24 of the Landlord and Tenant Act 1987. The application was made without prior service of a notice under section 22 of the 1987 Act. The Applicant's position was that such a notice was not required or, alternatively, that service was not reasonably practicable in the circumstances.

14. By directions dated 16 September 2026, the Tribunal identified a potential jurisdictional issue arising from the absence of a section 22 notice and directed the Applicant to address that issue. Following those directions, the Applicant served a section 22 notice on 21 October 2026 and on 28 October 2026 issued a second application seeking substantially the same relief.

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15. The Applicant's case in both applications was that the Respondent had ceased to be capable of performing its management functions, that the Property was a higher-risk building requiring continuing management and oversight, and that it was just and convenient for a manager to be appointed pursuant to section 24(2)(b) of the 1987 Act. The Applicant proposed the appointment of a manager as the statutory mechanism by which the Respondent's right to manage would cease pursuant to section 105(4) of the 2002 Act. On 3 November 2026, the RTM was struck off.

Findings

16. This was an unusual application, but not necessarily a complex one. It was also broadly, uncontested. The Property is an HRB with outstanding building safety work required, the position needed swift resolution. Management, therefore, one way or the other, needed to return to the Applicant as soon as possible, a point which was common ground notwithstanding the facts and circumstance that led to this point.

17. The answer to the situation is a straightforward one. Where the right to manage has been exercised, management functions remain with the RTM company until one of the circumstances set out in section 105 of the Commonhold and Leasehold Reform Act 2002 arises. Section 105(3)(d) of the CLRA 2002 provides that a right to manage ceases to be exercisable by an RTM company if the RTM company's name is struck off from the register, inter alia, section 1003 of the Companies Act 2006.

18. The Tribunal notes that the Applicant raised concerns regarding the process by which the RTM company was struck off and dissolved. However, whether or not those concerns are well-founded, it appears to the Tribunal that the legal consequence is the same. The RTM company has been dissolved and removed from the register maintained by Companies House. The Tribunal is not exercising any appellate or supervisory jurisdiction in relation to the actions of the Registrar of Companies and cannot look behind the company's status as recorded on the public register.

19. The Tribunal also notes Mr Arundell's evidence that he did not oppose the present application, either as a leaseholder or in his former capacity as chairman of the RTM company, and that he had not been informed of any leaseholder who intended to contest it. Whilst he referred to one leaseholder who had expressed concerns in the course of consultations relating to the dissolution of the RTM company, he did not suggest that any formal challenge

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had been made or was presently contemplated. In those circumstances, the Applicant may take some reassurance from the fact that, on the evidence before the Tribunal, any person seeking to displace the Applicant's current management position would appear to face significant legal and practical hurdles.

20. Furthermore, had it been necessary to determine the application on its merits, the Tribunal would have been minded to conclude that the requirements of sections 22 and 23 had been satisfied and that it was just and convenient to appoint a manager pursuant to section 24 of the 1987 Act.

21. The Tribunal's provisional view is that the section 22 notice was valid. The substance of the Applicant's complaint was that the RTM company no longer had directors willing or able to continue in office, was actively pursuing dissolution, and that there was no realistic prospect of it continuing to discharge its management functions. On the evidence of Mr Arundell, those matters were not capable of practical remedy. The Tribunal would therefore have been minded to find that section 23(1)(a)(ii) of the 1987 Act applied and that the absence of any period for remedial action did not invalidate the notice.

22. The Tribunal would also have been minded to find that the statutory grounds for the appointment of a manager were established. Prior to the dissolution of the RTM company, there was a clear management vacuum arising from the absence of directors willing to continue the management of the Property and from the company's decision to cease operating. Significant fire-safety, building-safety and remediation issues remained outstanding and required ongoing management and oversight. In those circumstances, the Tribunal would have been minded to find that there were "other circumstances" for the purposes of section 24(2)(b) of the 1987 Act and that the appointment of a manager was therefore just and convenient.

Section 20C /paragraph 5A of Schedule 11

23. The Tribunal grants the Respondent's application for orders under section 20C of the Landlord and Tenant Act 1985 and paragraph 5A of Schedule 11 to the CLRA 2002. Although no copy of the lease was before the Tribunal, the Tribunal considers it just and equitable to make the orders sought having regard to the unusual circumstances of the case, the fact that the application was uncontested, and the fact that it has been dismissed for reasons that arose from the dissolution of the RTM company rather than any opposition by the Respondent. The Tribunal therefore directs that the costs of these proceedings

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are not recoverable through the service charge or by way of an administration charge.

Appeals

A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application by email to rpsouthern@justice.gov.uk .

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.

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.

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.

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