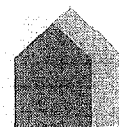




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317



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LONDON RENT ASSESSMENT PANEL

**DECISION OF THE LEASEHOLD VALUATION TRIBUNAL ON AN APPLICATION
UNDER SECTION 84(3) THE COMMONHOLD AND LEASEHOLD REFORM ACT
2002**

**Case Reference:
LON/00AY/LRM/2012/0030**

**Premises: 247 VALLEY
ROAD, LONDON, SW16
2AB**

Applicant: 247 VALLEY ROAD RTM COMPANY LIMITED

Representative: Mr ROGER McELROY, DIRECTOR OF ONE
CAREY LANE, LONDON, EC2V 8AE

Respondent: ASSETHOLD LIMITED

Representative:

Date of hearing: 5TH DECEMBER 2012

**Appearance for
Applicant:** DETERMINATION ON THE PAPERS

**Appearance for
Respondent:**

**Leasehold Valuation
Tribunal:** MS E SAMUPFONDA LLB (HONS)
MS M KRISKO FRICS

Date of decision: 5TH DECEMBER 2012

Decision of the tribunal

- (1) The tribunal determines that on 19th August 2012, the Applicant was entitled to acquire the Right to Manage the premises specified in the Claim Notice dated 19 August 2012.

The application

1. The Applicant seeks a determination pursuant to whether it is entitled to acquire the Right to Manage the subject premises pursuant to section 84 (3) of the Commonhold and Leasehold Reform Act 2002 (the Act).
2. By a claim notice dated 19 August 2012, the Applicant gave notice under s79 of the Act, that it intends to acquire the Right to Manage the premises on 29 December 2012
3. By a counter notice dated 19 September 2012, the Respondent disputed the claim. The counter notice did not give any reasons for the view that the Applicant was not entitled to acquire the Right to Manage the building. The counter notice refers to some other notice dated 20th March 2012 and to a Choumet Road RTM Company.
4. The Respondent's contentions are set out in the witness statement sent under covering letter dated 8th November 2012. They allege that the notice does not correctly identify the company. The claim notice they say is supposed to mimic exactly what it shows in Companies House. Secondly that the claim notice has not been signed correctly or filled in correctly. Paragraph 2 should be edited to show only the relevant points to this particular property and not just a general copy of the template. Further, they allege that the claim notice is signed by two Directors as required by company law. However each of these directors is a company on its own and would therefore need to be signed by two Directors of that company in order comply with the legislation dealing with Company law.

Identity of the Company

5. The tribunal considered the claim notice together with the all the documents provided. From these the tribunal observed that the only difference is that in paragraph 1 of the claim notice, the address is stated to be c/o Cannonbury Management, one Carey Lane London EC2V 8AE, whereas on the Companies House register states that the address is one Carey Lane London England EC2V 8AE. The Company registered number is identical in both documents.
6. The tribunal accepted that the address in the notice did not exactly "mimic" the address as registered in Companies House. However, it is materially the same

and clearly identifies the name of the RTM company's office and its registration number.

Not signed correctly

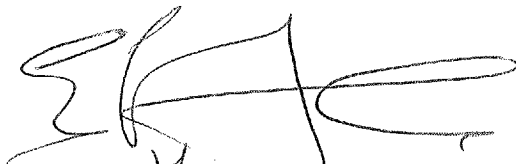
7. The claim notice is signed by authority of the company by Roger McElroy, on behalf of the RTM Nominee Directors Limited (Director of 247 Valley Road RTM Company Ltd.
8. The tribunal found some discrepancy in the Respondent's statement regarding the claim notice being signed by two directors. The notice is not signed by two Directors. The notice was signed by a Roger McElroy, Director of One Carey Lane, London EC2V 8AE. He is not a director of the RTM company but signed it "signed by authority of the company."
9. The tribunal noted that the Respondent's counter notice refers to the wrong date and with a reference to the incorrect RTM Company.

Paragraph 2 of the claim form

10. Paragraph 2 is not edited. That failure does not invalidate the notice.
11. The tribunal noted that the Respondent failed to fully particularise the grounds for disputing the validity of the notice. It appeared to the tribunal that the Respondents was addressing a different notice to that before it.

Chairman

Dated



5th December 2012