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

Case Reference : **LON/00BB/LRM/2014/0005**

Property : **27 Northumberland Road, London
E6 5RN**

Applicant : **Northumberland Road RTM
Company Limited**

Representative :

Respondent : **OM Limited**

Representative : **Estates and Management Limited**

Type of Application : **Application for a determination of
the Right to Manage**

Tribunal Members : **Judge E Samupfonda
Mr M Taylor FRICS**

Date and venue : **29 April 2014
10 Alfred Place, London WC1E 7LR**

Date of Decision : **29 April 2014**

DECISION

1. The tribunal has received an application under section 84(3) of the Commonhold and Leasehold Reform Act 2002. ("the Act").
2. By a claim notice dated 30 December 2013, the Applicant gave notice to the London Borough of Newham and OM Limited that it intends to acquire the right to manage the subject premises on 12 May 2014.
3. By counter notice dated 16 January 2014, London Borough of Newham admitted the claim. As it was not named as a respondent, as an interested party it was invited to apply to be joined in these proceedings as an applicant or respondent and it has not done so.
4. By an undated counter notice, the Respondent OM Limited disputed the claim.
5. At the case management conference held on 17 March 2014, the tribunal issued directions and decided that the issue could be determined on the basis of written representations from the parties.
6. In accordance with those directions, Estates Management Limited lodged representations with the tribunal dated 4 April 2014 on behalf of the Respondent and Mr Andrew Daniel lodged representations on behalf of the Applicant dated 16 April 2014.
7. The representations on behalf of the Respondents were essentially that the Applicant had not followed the correct procedure because there was no evidence that it was served on the freeholder, the London Borough of Newham, and that the building did not qualify for the Right to manage because a local authority is the immediate landlord. Whilst it was also argued that the correct procedure was not followed with regard to service of the notice of Invitation to Participate and the Claim Form on the correct parties pursuant to sections 78(1) and 79(6) of the Act, the Respondent did not provide any reasons or evidence to support that contention.
8. In response, the Applicant explained that it had followed the correct procedure because the London Borough of Newham was served a copy of the notice as evidenced by it serving a counter notice admitting the claim. Further, it is stated that "the Respondent's submission bundle shows that the London Borough of Newham acquired the freehold from the London Docklands Development Corporation. Further, the Schedule of Personal Covenants shows that the London Borough of Newham inherited all the covenants on the part of the landlord in the registered leases." It is submitted that the London Docklands Development Corporation is not a local housing authority as defined by section 1 of the Housing Act 1985. Therefore in inheriting the aforesaid covenants, the London Borough

of Newham is not acting in its capacity as a local housing authority but as a freeholder of premises. Accordingly, the premises are not excluded from the right to manage that applies to properties defined in paragraph 4 of schedule 6 of the Act.

9. We have decided this case on the basis of the written representations only. On the evidence in the papers, there is insufficient information from which the tribunal can conclude that whilst the London Borough of Newham is the freeholder, in these circumstances it is acting in its capacity as a local housing authority. More importantly, the premises were transferred from the London Docklands Development Corporation which is not a "local housing authority" as defined by Section 1 of the Housing Act 1985.

10. We have therefore decided that the claim notice is valid and that the Applicant was entitled to acquire the right to manage the premises at the relevant date.

Tribunal Judge E Samupfonda
Dated 29 April 2014