



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

**Case Reference** : LON/00AE/LRM/2017/0030

**Property** : Beechworth 179-181 Willesden Lane London NW6 7YZ

**Applicant** : John Galliers, BLR Property Management Ltd

**Representative** : John Galliers

**Respondent** : Alco Realty Ltd

**Representative** : Wolfe Myers Solicitors,

**Type of Application** : No fault Right to Manage , s84(3) CLARA 2002

**Tribunal Members** : Judge F J Silverman Dip Fr LLM  
Mr R Shaw FRICS

**Date and venue of paper consideration** : 14 February 2018, 10 Alfred Place, London WC1E 7LR

**Date of Decision** : 14 February 2018

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The Tribunal declares that on the date of the Application the Applicant was not entitled to acquire the right to manage the premises.

## REASONS

- 1 This decision relates to an application dated 23 June 2017 in which the Applicant asked the Tribunal to exercise its powers to grant the right of management to the Applicant under the provisions of s84(3) Commonhold and Leasehold Reform act 2002 (the Act).
- 2 Directions were issued on 13 July 2017.
- 3 This matter was considered on a paper determination before a Tribunal sitting in London on 14 February 2018. In reaching its decision the Tribunal considered both parties' submissions to the application together with the supplementary statements and documentation prepared by both parties.
- 4 The issue before the Tribunal was whether the Applicant had satisfied the provisions of s78(1) and s84(3) of the Act relating to the service of a notice on each qualifying tenant inviting them to participate in and become a member of an RTM company and whether the Application itself had been correctly made.
- 5 The Respondent had served a counter notice (dated 15 June 2017) alleging that the Applicant was not entitled to the right to manage the premises and further alleged in their supplementary statement (dated 16 August 2017) that the Applicant has failed to serve notice on all the qualifying tenants in the block.
- 6 The Applicant had filed with the Tribunal a supplementary statement dated 3 August 2017 giving details of those qualifying tenants who has accepted the invitation to participate in the RTM but has produced no evidence to demonstrate that any other tenants in the block were served with and received the initial invitation.
- 7 The Tribunal is not therefore satisfied that the Applicant has complied with the provisions of s78(1) of the Act.
- 8 Further, the application to the Tribunal must be made by the RTM company itself. The Applicant in the present case is Mr Galliers in person together with his own management company and not the RTM company which is called 'Beechworth RTM Company Ltd'.
- 9 The Applicant's application must therefore fail for non-compliance by the Applicant with both s78(1) and s84(3) of the Act.

When making a claim to acquire the right to manage any premises, a RTM company must give notice to each person who at the time when the notice is given –

- (a) is the qualifying tenant of a flat contained in the premises, but
- (b) neither is nor has agreed to become a member of the RTM company.'

**'s84(2)**

**A counter -notice is a notice containing a statement either –**  
**(a) admitting that the RTM company was on the relevant date entitled to acquire the right to manage the premises specified in the claim notice; or**  
**(b) alleging that, by reason of a specified provision of this Chapter, the RTM company was on that date not so entitled.'**

**'S84(3)**

**Where the RTM company has been given one or more counter-notices containing a statement such as is mentioned in subsection 2(b) , the company may apply to a leasehold valuation tribunal (sic) for a determination that it was on the relevant date entitled to acquire the right to manage the premises'**

Judge F J Silverman as Chairman  
**Date 14 February 2018**

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 which 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.
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.

The application for permission to appeal must identify the decision or decisions to be appealed, state the grounds of appeal, and state the relief sought by the applicant(s).