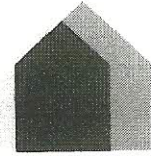




**HM Courts
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**LEASEHOLD VALUATION TRIBUNAL for the
LONDON RENT ASSESSMENT PANEL**

Commonhold and Leasehold Reform Act 2002 – Section 84(3)

LON/00BE/LRM/2012/0017

Property : 104 Choumert Road, London SE15 4AA

Applicant : Choumert Road RTM Company Limited

Represented by : Ms S Baroni, Secretary & Director

Respondent : Assethold Limited

Represented by : Eagerstates Limited

Date of Application: 15 June 2012

Date of Decision : 10 September 2012

Tribunal : Mr John Hewitt Chairman

Mr W Richard Shaw FRICS

Decision

1. The decision of the Tribunal is that the Applicant was on the relevant date entitled to acquire the right to manage the subject premises.

NB Later reference in this Decision to a number in square brackets ([]) is a reference to the page number of the volume of papers provided to us for use at the hearing.

Procedural History

1. This is an application made pursuant to section 84(3) of the Act for a determination that the Applicant was on the relevant date entitled to acquire the right to manage the premises.
2. Evidently 104 Choumert Road comprises a block of 12 self-contained flats all let on long leases and each of which also demises a designated parking space.
3. By a claim notice dated 17 March 2012 [G1] the Applicant gave notice that it intended to acquire the right to manage the premises on 6 September 2012.
4. By a counter-notice dated 25 April 2012 [J1] given on behalf of the Respondent it was denied that the Applicant was entitled to acquire the right to manage. Two grounds were cited:
 1. By reason of section 80(8) of the Act – claim notice to contain particulars required by regulations to be given; and
 2. By reason of section 80(9) of the Act – claim notice to comply with the form of claim notices as may be prescribed by regulations.
5. By a further counter-notice dated 26 April 2012 [J4] given on behalf of the Respondent it was denied that the Applicant was entitled to acquire the right to manage. Three grounds were cited:
 1. By reason of section 80(8) of the Act – claim notice to contain particulars required by regulations to be given;
 2. By reason of section 80(9) of the Act – claim notice to comply with the form of claim notices as may be prescribed by regulations; and
 3. By reason of section 80(3) of the Act – a requirement that the claim notice must state the full name of each person who is both the qualifying tenant of a flat contained in the premises and is a member of the RTM company and the address of his flat.
6. Neither of the counter-notices specified or detailed the irregularities complained of. By letter dated 30 April 2012 [K2] the Applicant's representative sought clarification and reasons from the Respondent. The Respondent's agent replied by letter dated 4 May 2012 [K4], stating that they would take instructions and revert. There is no evidence before us that they did revert as they said they would.
7. On 15 June 2012 the Tribunal received the application [A1]. Directions were given on 25 June 2012 [N1]. The parties were notified that it was proposed to determine the application on the papers, pursuant to Regulation 13, but that if a party requested an oral hearing it would take place at 10:00 Wednesday 5 September 2012. No request for an oral hearing has been received.

