



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

Case Reference : CHI/43UH/LRM/2014/0020

Property : Block H, 84-91 Windmill Gate, Sunbury-on-Thames, Surrey TW16 7HQ

Applicants : 84-91 Windmill Gate RTM Limited

Representatives : N. Sabbagh & Mario Baumann

Respondent : HML Hawksworth Ltd

Representative : TWM Solicitors LLP

Type of Application : RTM (Section 72 Commonhold and Leasehold Reform Act 2002) (“the 2002 Act”)

Tribunal Members : Judge J.B. Tarling

Date of Decision : 22nd May 2015

SUPPLEMENTAL DECISION

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THE SUPPLEMENTAL DECISION OF THE TRIBUNAL

For the Reasons given below the Tribunal HEREBY ORDERS that the Right to Manage takes effect on the 24th day of May 2015.

REASONS FOR THE DECISION

1. This Supplemental Decision of the Tribunal follows the original Decision of the Tribunal dated 27th January 2015. The parties have requested the Tribunal to clarify and confirm the date on which the Right to Manage takes effect.
2. The Tribunal has seen a bundle of recent correspondence and emails between the parties and their advisers.

THE RELEVANT STATUTORY PROVISIONS

3. The relevant statutory provisions in respect of those matters are as follows:

Section 90(4) of the 2002 Act provides as follows:

90. The acquisition date

(4) Where the right to manage the premises is acquired by the company by virtue of a determination under section 84(5)(a), the acquisition date is the date three months after the determination becomes final.

Section 84 (3) & (7) of the 2002 Act provides as follows:

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

(7) A determination on an application under sub-section (3) becomes final-

- (a) if not appealed against, at the end of the period for bringing an appeal, or*
- (b) if appealed against, at the time when the appeal (or any further appeal) is disposed of.*

REVIEW OF RELEVANT FACTS

4. On 27th January 2015 the Tribunal issued its Decision under Section 84(3) of the 2002 Act that the Applicants were entitled to the Right to Manage. No appeal against that Decision has been made.
5. In accordance with Section 84(7)(a) of the 2002 Act the Right to Manage takes effect three (*calendar*) months after the end of the period for bringing an appeal. That is 28 days from the date of the Tribunal's Decision.

THE DECISION OF THE TRIBUNAL

6. Accordingly the Tribunal determines that the Right to Manage takes effect on the 24th May 2015.
7. If the parties are unable to agree the amount of any accrued uncommitted services charges that are payable following the acquisition of the Right to Manage, a separate Application to the Tribunal under Section 94 of the 2002 Act will be required.

Appeals

8. 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. 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.
9. 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 the time limit, or not to allow the application for permission to appeal to proceed.
10. 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.
11. If the First-tier Tribunal refuses permission to appeal, in accordance with section 11 of the Tribunals, Courts and Enforcement Act 2007, and Rule 21 of the Tribunal Procedure (Upper Tribunal) (Lands Chamber) Rules 2010, the Applicant/Respondent may make a further application for permission to appeal to the Upper Tribunal (Lands Chamber). Such application must be made in writing and received by the Upper Tribunal (Lands Chamber) no later than 14 days after the date on which the First-tier Tribunal sent notice of this refusal to the party applying for permission.
12. The parties are directed to Regulation 52 of the Tribunal Procedure (First-tier Tribunal)(Property Chamber) Rules 2013 SI 2013/1169. Any application to the Upper Tribunal must be made in accordance with the Tribunal Procedure (Upper Tribunal)(Lands Chamber) Rules 2010 SI 2010/2600.

Dated this 22nd May 2015

J.B.Tarling

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