



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

Case reference : **LON/00BG/LRM/2016/0019**

Property : **86 Bow Road, London E3 4DL**

Applicant : **86 Bow Road RTM Company Ltd**

Respondent : **MDB Properties Ltd**

Type of application : **Application for a declaration of the right to manage.**

Tribunal members : **Mr S Brilliant
Mr C Gowman**

Date of decision : **26 January 2017**

DECISION

Decision of the tribunal

The tribunal declares that the Applicant has not acquired the right to manage 86 Bow Road, London E3 4DL (“the premises”).

The application

1. The Applicant seeks a declaration that it has acquired the right to manage the premises.
2. The Applicant is a RTM company incorporated on 25 August 2016.
3. By a claim notice dated 26 August 2016 served on the Respondent, the landlord of the premises, the Applicant claims that the premises are ones to which Chapter 1 of the Commonhold and Leasehold Reform Act 2002 (“the 2002 Act”) apply.
4. In its counter-notice dated 26 September 2016 the Respondent says that the claim form has not been properly signed so the Applicant was not entitled to acquire the right to manage.
5. On 17 November 2016 directions were given for this issue to be determined on paper.
6. s.80(9) of the 2002 Act provides that the claim form must comply with such requirements (if any) about the form of claim notices as may be prescribed by regulations so made.
7. Regulation 8(2) of the Right to Manage (Prescribed Particulars and Forms) (England) Regulations 2010 provides that claim notices shall be in the form set out in Schedule 2.
8. Schedule 2 provides that at the conclusion of the claim form, and before the prescribed notes, there must be written: *Signed by authority of the company [Signature of authorised member or office] [Insert date]*.
9. The claim form does include, in the correct place, the words *Signed by the authority of the company*. Correctly, no point is taken on the additional word *the*.
10. The claim form is then signed *BH Harding Company Secretary*.
11. But Mr Harding is not the Applicant’s company secretary and he is not an authorised member or officer of the Applicant. Mr Harding is a director and company secretary of Cordrose Ltd. It is Cordrose Ltd which is the company secretary of the Applicant.

12. Mr Harding's signature is not that of Cordrose Ltd. s.44 Companies Act 2006 provides:
- (1) Under the law of England and Wales or Northern Ireland a document is executed by a company (a) by the affixing of its common seal, or (b) by signature in accordance with the following provisions.
 - (2) A document is validly executed by a company if it is signed on behalf of the company—
 - (a) by two authorised signatories, or
 - (b) by a director of the company in the presence of a witness who attests the signature.
13. Accordingly, we determine that the claim notice did not comply with the prescribed requirements and has not been validly given.

Name: Simon Brilliant

Date: 26 January 2017