



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

Case Reference : LON/00AL/LOA/2014/0002

Property : 8 Ennis Road, London SE18 2QT

Applicant : 8 Ennis Road RTM Company Limited

Representative : RTMF Services Limited

Respondent : Mr E P Lewis

Representative : Not applicable

Type of Application : For the determination of the (no fault) right to manage – missing landlord

Tribunal Members : Judge F Dickie

Date of Decision : 6 October 2014

DECISION

Decision of the tribunal

The application is dismissed.

The application

1. An application is made under section 85(3) of the Commonhold and Leasehold Reform Act 2002 (“the Act”) for a determination that the Right to Manage Company is entitled to acquire the Right to Manage.

2. The application, however, is misconceived. The Respondent landlord is named as Mr E P Lewis, and the grounds of the application are that Mr Lewis cannot be found.
3. However, upon production pursuant to my direction of an Official Copy of the freehold title, it is clear that Mr Lewis is not the freeholder and therefore should not have been named Respondent to this application. That there have been difficulties finding him does not make out a ground for this application.
4. The freeholder recorded is Warwick Shopfitting and Display Limited. The Applicant has produced evidence from Companies House demonstrating that the company was dissolved on 25 November 2008.
5. It would appear that the company's property rights will have passed to the Crown in bona vacantia. An application under section 85 can only be made if the RTM company "cannot find, or ascertain the identity of" any of the persons to whom the claim notice would be required to be given under subsection 79(6). This is not the case in the present circumstances and I dismiss the application.
6. The leaseholders may wish to take legal advice as to the options that may be available to them, such as: negotiating with the Treasury Solicitor for the purchase of the freehold interest; applying to this tribunal for the appointment of a manager under section 24 of the Landlord and Tenant Act 1987; whether the RTM company should serve notice of claim to acquire the right to manage on the Treasury Solicitor.

Name: F Dickie

Date: 6 October 2014