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

**Case Reference** : **LON/00BE/LRM/2014/0014**

**Property** : **217 Long Lane, London SE1 4PA**

**Applicant** : **217 Long Lane RTM Company Ltd**

**Representative** : **Trowers and Hamblins, Solicitors**

**Respondent** : **Avonbraid Limited**

**Representative** : **Estates and Management Ltd**

**Type of Application** : **Application in relation to the denial  
of the Right to Manage**

**Tribunal Members** : **P M J Casey MRICS**

**Date and venue of  
Hearing** : **28 August 2014  
10 Alfred Place, London WC1E 7LR**

**Date of Decision** : **11 September 2014**

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**DECISION**

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## **Decisions of the tribunal**

- (1) The tribunal determines that the applicant is entitled to exercise the right to manage in respect of the premises at 217 Long Lane, London SE1 4PA (the premises).
- (2) The tribunal makes the determinations as set out under the various headings in this decision

## **The application**

1. The applicant seeks a determination pursuant to S84(3) of the Commonhold and Leasehold Reform Act 2002 (the Act) that it is entitled to acquire the right to manage the premises..
2. The applicant's claim notice dated 8 March 2014 was served on Avonbraid Limited, the landlord, c/o Pembertons Residential Ltd trading as Stonedale Property Management at the address stated on a service charge demand dated 20 January 2014 addressed to a member of the RTM as the address for service of notices to the landlord.
3. The Counter Notice denying entitlement was served on the applicant on 24 April 2014 by Peverel Property Management as "Duly authorized agent of Avonbraid Limited the Landlord". The grounds relied on for the denial were that the premises do not consist of a self-contained building or part of a building contrary to S72(1)(a) and do not fulfil the criteria set out in S72(3) and S72(4) of the Act and that the Claim Notice had not been served on the landlord at its registered address.
4. Following directions by the Tribunal on 20 June 2014, which provided for a paper determination, the applicant provided a hearing bundle containing its and the respondent's cases. A paper hearing duly took place on 28 August 2014 and the Tribunal determined the application, following an external inspection, on the basis of the contents of that bundle.

## **The evidence**

5. In its statement of case the applicant argued that the premises meet all of the tests for a self-contained part of a building in that it a) constitutes a vertical division of the building; b) the structure of the building is such that it could be redeveloped independently of the rest of the building; and c) the relevant services provided for the occupiers of the premises are provided independently of the relevant services provided for occupiers of the rest of the building. Evidence in support was enclosed in the form of the Land Registry plan for the freehold title, a 1<sup>st</sup> floor plan

produced by the developers in 2004 with the vertical divisions highlighted and the service charge accounts for 217 Long Lane for the year ending 31 December 2013. Also enclosed was a copy of the Court of Appeal judgement in *Crafrule Limited v 41-60 Albert Place Mansions (Freehold) Limited* [2011] EWCA Civ 185 which although a decision relating to collective enfranchisement under the Leasehold Reform Housing and Urban Development Act 1993 is said to support the proposition that the applicants may choose to specify a larger or smaller self-contained part of a building. The issue raised in the counter Notice regarding service of the claim was also addressed.

6. The respondents statement of case was prepared by Estates and Management Limited who advised the Tribunal on 10 July 2014 that they were now instructed to act for Avonbraid Ltd. The statement of case argues that the premises at 217 Long Lane comprise multiple blocks and as such the right to manage cannot be claimed in respect of the whole of the premises by a single RTM on the basis of a single notice of claim. The premises were said to comprise four separate premises namely 1-7 Dundee Court, 1-11 Fossil Court, Unit 6 and Unit 7, 217 Long Lane and 1-8 Glenrose Court. The Upper Chamber's decision in the conjoined appeals in *Ninety Broomfield Road RTM Company Ltd v Triplerose Limited* [2013] UKUT0606 (LC) was enclosed though the respondent disagreed with the decision and pointed out that the appeal from it was due to be heard on 4/5 December 2014. It suggested this case should be adjointed pending the outcome of the appeal as it went to the heart of the issue in dispute.
7. The RTM's reply to this is dated 7 August 2014 and says that whilst the premises are subdivided by name as the respondent sets out they are not in fact separate buildings as they are not blocks formed by vertical divisions. Fossil Court and Glenrose Court are adjoined by two interconnecting corridors on floors 4 and 5 of the premises, the terrace of Flat 9 Fossil Court sits above both Fossil Court and Dundee Court, Units 6 and 7 are located under both Fossil and Glenrose Courts. The premises are constructed as a single steel framed entity, reliant upon each other for structural integrity and both Fossil and Dundee Court support the entrance arch to Coach House Mews. Photographs were enclosed marked to show some of these aspects. The claim it was said must succeed irrespective of the outcome of the appeal referred to by the respondent.

### **The law**

8. S72(1) of the Act provided that the right to manage applies to premises if: they consist of a self-contained building or part of a building, with or without appurtenant property; they contain two or more flats held by qualifying tenants and the total number of flats held by such tenants is not less than two thirds of the total number of flats contained in the

premises. By subsection (2) a building is a self-contained building if it is structurally detached.

### **The decision**

9. The premises comprise a roughly U shaped 5 storey modern building fronting onto Long Lane. Access to Court Yard Mews at the rear is via a ground floor archway and the differing length arms of the U run parallel to the mews. There are four separate entrances to the flats in the mews. The ground floor units to either side of the arch on Long Lane have a somewhat commercial look and a schedule in the accounts of the service charge refers to office units in part of the building though at least some of those and possibly all are now occupied as flats. That schedule lists 31 "units". No issue arises out of this however. The premises immediately abut adjoining buildings to the east and west and to the north at the end of the Mews.
  
10. From the evidence and the Tribunals inspection, despite the abutting onto neighbouring buildings, there can be little doubt that the premises do comprise a single entity and not four separate blocks. The premises comprise a self-contained building and as such the applicants are entitled to acquire the right to manage exercisable from the date three months after this decision becomes final in accordance with S90(4) and S84(7) of the Act.

**Name:** Patrick M J Casey

**Date:** 11 September 2011