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

Case Reference : MR LON/00AN/OCE/2014/0262

Property : 139 Uxbridge Road London W12 9RA

Applicant : F R Brown and A B Prakash

Representative : None

Respondent : Casalina Limited (dissolved)

Representative : None

Type of Application : Application under section 26 Leasehold Reform, Housing and Urban Development Act 1993 (the "Act") for collective enfranchisement where the relevant landlord cannot be found.

Determination without an oral hearing in accordance with Regulation 31 The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013

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**ORDER TO CLOSE FOR NO JURISDICTION**

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1. The Tribunal has received an application under section 26 Leasehold Reform, Housing and Urban Development Act 1993 ("the Act") for collective enfranchisement where the relevant landlord cannot be found, by way of a transfer from West London County Court (Claim number 3WLO0915) dated 7 July 2014. The notification of transfer was received by the Tribunal on.
2. The Tribunal has no jurisdiction for the following reasons;
  - 2.1 Chapter 1 of the Act only applies to premises where they fulfil the requirements of both section 3 and section 4 of the Act. Approximately 40% of this Property is not occupied for residential

purposes and accordingly the Property does not fulfil the requirements of section 4 of the Act.

2.2 The Tribunal questions whether a dissolved company is a "missing" landlord for the purposes of section 26 of the Act. The landlord will be whoever is entitled to the freehold on the dissolution of the Respondent Company.

3. The case having been transferred from the County Court the Tribunal therefore returns it to the County Court to deal with any matters over which it has jurisdiction.
4. Accordingly we have closed our file and will take no further action.

Name: Judge Pittaway Date: 9 December 2014

## The Law

### Leasehold Reform, Housing and Urban Development Act 1993

#### S3 Premises to which this Chapter applies.

- (1) Subject to section 4, this Chapter applies to any premises if—
  - (a) they consist of a self-contained building or part of a building [...];
  - (b) they contain two or more flats held by qualifying tenants; and
  - (c) 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.
- (2) For the purposes of this section a building is a self-contained building if it is structurally detached, and a part of a building is a self-contained part of a building if—
  - (a) it constitutes a vertical division of the building and the structure of the building is such that that part could be redeveloped independently of the remainder of the building; and
  - (b) the relevant services provided for occupiers of that part either—
    - (i) are provided independently of the relevant services provided for occupiers of the remainder of the building, or
    - (ii) could be so provided without involving the carrying out of any works likely to result in a significant interruption in the provision of any such services for occupiers of the remainder of the building;

and for this purpose "relevant services" means services provided by means of pipes, cables or other fixed installations

#### S4 Premises excluded from right.

- (1) This Chapter does not apply to premises falling within section 3(1) if—
  - (a) any part or parts of the premises is or are neither—
    - (i) occupied, or intended to be occupied, for residential purposes,  
nor
    - (ii) comprised in any common parts of the premises; and
  - (b) the internal floor area of that part or of those parts (taken together) exceeds 25 per cent. of the internal floor area of the premises (taken as a whole).

### The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013

#### Case management powers

6.

- (1) Subject to the provisions of the 2007 Act and any other enactment, the Tribunal may regulate its own procedure.
- (2) The Tribunal may give a direction in relation to the conduct or disposal of proceedings at any time, including a direction amending, suspending or setting aside an earlier direction.
- (3) In particular, and without restricting the general powers in paragraphs (1) and (2), the Tribunal may—

- (a) extend or shorten the time for complying with any rule, practice direction or direction, even if the application for an extension is not made until after the time limit has expired;
- (b) consolidate or hear together two or more sets of proceedings or parts of proceedings raising common issues, or treat a case as a lead case (whether under rule 23 or otherwise);
- (c) permit or require a party to amend a document;
- (d) permit or require a party or another person to provide or produce documents, information or submissions to any or all of the following—
  - (i) the Tribunal;
  - (ii) a party;
  - (iii) in land registration cases, the registrar;
- (e) direct that enquiries be made of any person;
- (f) require a party to state whether that party intends to—
  - (i) attend,
  - (ii) be represented, or
  - (iii) call witnesses,at the hearing;
- (g) deal with an issue in the proceedings as a preliminary issue;
- (h) hold a hearing to consider any matter, including a case management issue;
- (i) decide the form of any hearing;
- (j) adjourn or postpone a hearing;
- (k) require a party to produce a bundle for a hearing;
- (l) require a party to provide an estimate of the length of the hearing;
- (m) stay proceedings;
- (n) transfer proceedings to another court or tribunal if that other court or tribunal has jurisdiction in relation to the proceedings and
  - (i) because of a change of circumstances since the proceedings were started, the Tribunal no longer has jurisdiction in relation to the proceedings; or
  - (ii) the Tribunal considers that the other court or tribunal is a more appropriate forum for the determination of the case;
- (o) suspend the effect of its own decision pending the determination by the Tribunal or the Upper Tribunal of an application for permission to appeal against, and any appeal or review of, that decision.