



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

**Case Reference** : **LON/00AT/LRM/2015/0001**

**Property** : **Flats 5-19 Riverside Mill House, 20  
Church Street, Isleworth, TW7 6XB**

**Applicant** : **Riverside Mill House RTM Co Ltd**

**Representative** : **Urban Owners**

**Respondent** : **Southern Land Securities**

**Representative** : **None**

**Type of Application** : **Section 84(3) of the Commonhold  
& Leasehold Reform Act 2002  
(application in relation to the  
denial of the right to manage)**

**Tribunal Judge** : **Mr L Rahman (Barrister)**

**Date and venue of  
hearing** : **20.2.15 at 10 Alfred Place, London  
WC1E 7LR**

**Date of Decision** : **20.2.15**

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**DECISION**

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## **Decision of the tribunal**

- (1) The tribunal determines that the applicant is entitled to acquire the right to manage the property and that the acquisition date under section 90(4) of the Act is 20<sup>th</sup> May 2015, being 3 months from the date of this decision.

## **Background**

1. The applicant seeks a determination pursuant to s.84(3) of the Commonhold and Leasehold Reform Act 2002 ("the Act") that it is entitled to acquire the right to manage the property known as 5-19 Riverside Mill House, 20 Church Street, Isleworth, TW7 6XB ("the property").
2. By a claim notice dated 13.11.14, the applicant gave notice that it intends to acquire the right to manage the premises.
3. By a counter notice dated 8.12.14, the respondent denied that the applicant was entitled to acquire the right to manage the property alleging that the property does not qualify by reason of section 72 of Chapter 1 of Part 2 of the Commonhold and Leasehold Reform Act 2002, as flats 5-12 and 13-19 constitute two separate blocks being self-contained buildings, consequently, two separate Notice of Claims should be served in respect of each respective block.
4. By an application dated 23.12.14, the applicant made this application to the tribunal. On 8.1.15 the tribunal issued directions in this case, which included a direction that the matter be dealt with by a paper determination. The tribunal also identified a single issue for determination, namely, whether on the date on which the notice of claim was given, the applicant was entitled to acquire the right to manage the premises specified in the notice.
5. The tribunals determination in this matter was made solely on the basis of the statements of case and other documentary evidence filed by the parties pursuant to the tribunals Directions. Each of the challenges made by the respondent are dealt with below.

## **Respondents case**

6. The respondent states it is unsure as to whether the relevant block should be defined as one or two blocks. If it is considered to be two blocks, then one of the blocks did not have the requisite 50% of lessees required for the RTM. The respondent therefore thought it prudent that either a formal decision was made in respect of the block or two new notices were served for each block with the requisite majority.

14. The applicant concludes by stating it is irrelevant under section 72 whether a building can be split into two halves, and if it is a relevant consideration, the property cannot be split and treated as two separate properties.

### **Tribunals finding and reasons**

15. The only issue identified by both parties is whether section 72 of the Act is satisfied.
16. The relevant part of section 72(1) states *“This Chapter applies to premises if – (a) they consist of a self-contained building or part of a building, with or without appurtenant property...”*
17. Section 72(2) states *“A building is a self-contained building if it is structurally detached.”*
18. The property is quite clearly a self contained building which is structurally detached. The photographs support this. The evidence from Mr Cummings, on behalf of the respondent, also supports this. He states that the relevant block is “a single block”.
19. The respondent states that the building can be “considered” as two separate blocks and Mr Cummings states it should be “considered” as two separate properties. Whilst the property may theoretically be capable of being split into two separate halves, which the applicant disputes, it is not necessary for the tribunal to determine this issue. There is no evidence that the building had in fact been separated into two halves or that it was treated as being two separate self-contained buildings.
20. The tribunal agrees with the applicant that just because a property may be capable of being split into two halves does not change the fact that the property remains a self-contained building and therefore satisfies section 72 of the Act.
21. Accordingly, for the reasons stated above, the tribunal concluded that on the date on which the notice of claim was given, the applicant was entitled to acquire the right to manage the property.

**Name:** L Rahman

**Date:** 20.2.15