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

Case Reference : LON/00BG/LRM/2017/0007

Property : 1-4 Heer Mews & Bostall House,
337-339 Hackney Road, London E2
8QG

Applicant : Heer Mews and Bostall House RTM
Co.

Representative : Mr. Paul Cleaver of Urban Owners
Limited

Respondent : (1) Whitechapel Resources Ltd
(Landlord) and (2) Whitechapel
Maintenance Ltd (Intermediate
Landlord)

Representative : Mackrell Turner Garrett Solicitors

Type of Application : Right to Manage

Tribunal Members : Judge LM Tagliavini

**Date and venue of
paper hearing** : 10 Alfred Place, London WC1E 7LR
20 June 2017

Date of Decision : 20 June 2017

DECISION

The tribunal determines the following:

- (i) The Applicants are entitled to the Right to Manage the subject property known as 1-4 Heer Mews and Bostall House, 337-339 Hackney Road, E2 8QG with effect from 19 June 2017

The application

- 1. The Applicant seeks a determination pursuant to Chapter 1 of Part 2 of the Commonhold and Leasehold Reform Act 2002 (“the Act”).

The hearing

- 2. The parties agreed that an oral hearing was not required and therefore the tribunal determined the application on the papers.

The background

- 3. The subject premises comprise of a (single) structure comprising flats with shared common services by means of water, gas, electricity and television cables. Claim Notices pursuant to the Act were served on both the landlord and the intermediate and landlord dated 7 February 2017. A Counter-Notice dated 9 March 2017 was served on the Applicant by the Respondents jointly.

The issues

- 4. The tribunal identified the relevant issue for determination as follows:
 - (i) Whether the subject premises comprise a single building or there are two separate self-contained buildings and the Claim Notice is therefore invalid?

The Applicant’s case

- 5. In support of the Applicant’s case the tribunal was provided with a lever arch file containing a supplementary statement and copies of case law on which, it relied. Reliance was also placed on the documents previously sent to the tribunal and included the Notices, the Certificate of Incorporation and relevant documentation. No issue was taken by the Respondent with any other alleged invalidity of any other of the Applicant’s documents.

6. The Applicant asserted that the subject comprised on one building for which no vertical division can be made. In any event, the two parts of the building are not self-contained; no part can be independent redeveloped and the subject premises share common services as per section 72(3)(a)(b)(c) of the Act. All leaseholders in the subject premises are also members of RTM company and all support the application made to the tribunal. The applicant provided the tribunal of the front of the subject property showing a chimney stack straddling the two 'blocks' and preventing them from being treated as individual self-contained blocks; *Crafrule Limited v 41-60 Albert Place Museum (freehold) Limited* [2011] EWCA Civ 185; [22011] 1 WLR 2425 at 17B.

The first and second Respondent's Case

7. By an email dated 10 April 2017 the Respondents' continued to oppose the Applicant's right to manage the subject property on the same ground as specified in the Counter Notice. The email stated the Respondents were not opposing the application procedure any further and no Statement in Reply was provided to the tribunal despite its directions dated 23 March 2017 requiring them to do so.

The tribunal's decision

8. In the absence of any or any persuasive argument to the contrary, the tribunal accepts the Applicant's contention that the subject property is to be treated as one building for the purposes of the right to manage legislation. Therefore, the tribunal finds that the Notice of Claim is a valid Notice and in the absence of any evidence to the contrary, has been validly served with the requisite documentation in support of this application, having been provided.
9. In conclusion, the tribunal determines that the Applicant acquires the Right to Manage the subject property with effect from 19 June 2017 being the date specified in the Notice.

Signed: Judge LM Tagliavini

Dated: 20 June 2017