

A1 Properties (Sunderland) Ltd (Appellant) v Tudor Studios RTM Company Ltd (Respondent)

Case ID: UKSC 2023/0047

Case summary

Issues

- Does a failure to serve a claim notice on a landlord as required by section 79(6)(a) of the Commonhold and Leasehold Reform Act 2002 always invalidate a right to manage claim under that Act?
- If not, did the failure to serve the claim notice in this case on all relevant landlords nevertheless have the effect of invalidating the right to manage claim?

Facts

This appeal concerns Tudor Studios, a former factory in Leicester now converted into student accommodation. The building mainly comprises "study studios", with some communal areas. The study studios are held by investor tenants on 250-year leases in tripartite form between the freeholder, the investor tenant and the management company. The appellant, A1 Properties (Sunderland) Limited, holds the common room, the laundry, the gym and the reception area on four 999-year leases.

The Commonhold and Leasehold Reform Act 2002 ("the 2002 Act") enabled tenants who hold long leases of flats in a self-contained building to acquire the right to manage that building. The investor tenants sought to exercise this right through the respondent, Tudor Studios RTM Company Limited. The respondent gave the claim notice required by section 79 of the 2002 Act to the freeholder and to the management company, but not to the appellant. The management company therefore served a counter-notice stating that the respondent was not entitled to acquire the right to manage Tudor Studios because it had not complied with the procedure set out in the 2002 Act.

The respondent applied to the First-tier Tribunal for determination of the issue. The First-tier Tribunal held that the failure to serve notice on the appellant did not invalidate the respondent's right to manage claim because the appellant has no management responsibilities. The Upper Tribunal dismissed the appellant's appeal. The appellant now appeals to the Supreme Court.

Judgment appealed

[\[2023\] UKUT 27 \(LC\)](#).

Parties

Appellant(s)

A1 Properties (Sunderland) Ltd

Respondent(s)

Tudor Studios RTM Company Ltd

Appeal

Justices

Lord Briggs, Lord Sales, Lord Hamblen, Lord Leggatt, Lord Stephens

Hearing start date

8 February 2024

Hearing finish date

8 February 2024

Watch hearing

8 February 2024 [Morning session](#) [Afternoon session](#)