

THE RESIDENTIAL PROPERTY TRIBUNAL SERVICE

**DECISION OF THE LONDON LEASEHOLD VALUATION TRIBUNAL
AS TO ITS JURISDICTION TO DETERMINE AN APPLICATION
UNDER SECTION 84(3) OF THE COMMONHOLD AND LEASEHOLD
REFORM ACT 2002**

Commonhold and Leasehold Reform Act 2002, section 84

Property: 13 Carysfort Road, London N8 8RA

Applicant: 13 Carysfort Road RTM Company Limited

Respondent: Mrs R E Summerskill (freeholder)

**Decision made without a hearing under Regulation 13 of the
Leasehold Valuation Tribunals (Procedure) (England) Regulations 2003**

Tribunal: Lady Wilson

Date of the tribunal's decision: 1 September 2005

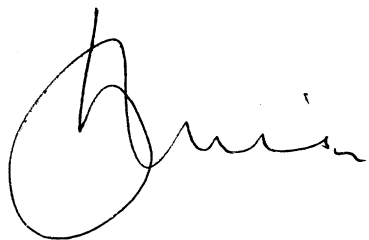
1. On 24 May 2005 the applicant RTM company gave the landlord a notice under section 79 of the Commonhold and Leasehold Reform Act 2002 ("the Act) of a claim to acquire the right to manage 13 Carysfort Road London N8 with effect from 1 October 2005. By a counter-notice received by the company on 28 June 2005, the landlord alleged that the RTM company was not entitled to acquire the right to manage by reason of a failure to serve all notices in accordance with section 78 of the Act. Accordingly the company issued an application to the tribunal under section 84(3) of the Act for a determination that it was on the relevant date entitled to acquire the right to manage the premises.

2. By a letter to the tribunal dated 5 August 2005 the landlord's solicitors wrote to say that, having seen the evidence lodged by the applicant, the landlord was now satisfied that all the notices had been served and agreed that the applicant was entitled to acquire the right to manage. Mr Stefano Pozzi, a member of the RTM company, has written to the tribunal on behalf of the company to invite it to consider its application in any event in order to determine whether the counter-notice, which was unsigned and undated, was validly served, and whether the landlord was entitled to serve a counter-notice without valid grounds.

3. I consider that the landlord has by its solicitors' letter of 5 August 2005 agreed that the company was on the relevant date (ie the date on which the notice of claim was given) entitled to acquire the right to manage. The company is thus by virtue of section 84(5)(b) of the Act entitled to acquire the right to manage by virtue of section 90(2) of the Act, there being no dispute about the company's entitlement, and the tribunal has therefore no jurisdiction, or, alternatively, no useful purpose would be served by determining the matters raised by Mr Pozzi.

Tribunal: Lady Wilson

Date: 1 September 2005

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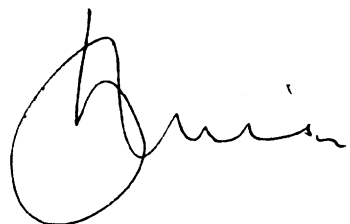
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