

Case Studies – Right to Manage

Masons Building, 28 Exchange Street East, Liverpool, L2 3PH

This city centre property was converted to provide 11 apartments in recent years, and the flat owners considered the freeholders management costs to be excessive. The flat owners asked Orme Associates for advice. The presence of the retail premises and two basement floors meant the 25% non-residential threshold was exceeded for qualification for the Right to Manage, so we asked the Property Tribunal to appoint a manager under the Landlord and Tenant Act 1987, because of the poor state of the building, however the Tribunal refused on the basis that the Freeholder "*appeared to have got its act together*" in the period before the hearing.

However, the freeholder has previously granted a license for conversion of the basement premises into two flats, which would reduce the non-residential element to below 25% when conversion works commenced. Approximately a year later and following commencement of works we served a notice exercising the Right to Manage, which was challenged by the freeholder on various grounds, the Property Tribunal subsequently decided the Landlords had no credible defence and the application was granted, and the flat owners took immediate control of the block management thereafter.



Old Edwalton House, Melton Road, Edwalton, Nottingham, NG12 4AG

This Victorian House and outbuildings had been converted to provide 5 apartments with all flat owners wishing to take back management from the current freeholder/managing agent. Orme Associates incorporated a right to manage company and requested details from the managing agent of the landlords address which was unknown, with no reply having been received, and so we served a notice on the agent to take back management on the Landlord and their agents, giving the statutory four month's-notice, the application went ahead unopposed allowing the tenants to govern their own affairs.



19 Clifton Street, Widnes, WNI 2BU

This property comprises a pre-war terraced house converted to provide two flats subject to long leases and both owned by our client who was dissatisfied with the level of service charges, management fees and insurance charged by the managing agents, Regent. We established a Right to Manage company and served notice to take back the management on the freeholder, and following expiration of four month waiting period the tenant took back management of his properties.



39 Lilley Road, Liverpool, L7 0LP

This detached Victorian villa style property is arranged to provide 10 flats all sold on long leases. Following an enquiry from a leaseholder seeing opportunity for improvement in the management of the block we incorporated an RTM company, and then wrote to all leaseholders and received the requisite five applications to join the process. We then served a notice of claim on the freeholder. This notice was initially rejected by the Landlords solicitor and later accepted as valid, following provision of proof of posting of the requisite invitations to participate on all tenants, and management passed to the RTM company after the three-month waiting period.

