Right to Manage

Bartholomew House

Following a detailed legal process overseen and undertaken by a solicitor appointed by the majority of the owners of Bartholomew House, we have within the last few days received confirmation that we have been successful in acquiring the Right to Manage the property.

This Right to Manage procedure is by no means the first to be successfully acquired in Repton Park, as this precedent has been set in the past.

Having now received legal confirmation that the landlord has served a counter notice admitting Bartholomew House’s apartment owners the Right to Manage we will shortly acquire the management of the property.

As we have now successfully achieved this outcome, we are now pleased to share our knowledge of the process to gain a Right to Manage with other owners/blocks to help you achieve the same result, should 50% minimum of owners in your block wish to follow suite.

We will be more than happy to provide you with our contacts, and the templates that we have used to enable you to replicate our example and take more direct control of your property and block, although of course you are completely at liberty to identify your own professional advisors, if you have a collective desire to set up a limited company per individual apartment block and complete this legal process.

Below, we set out a brief guide for you to review and consider, and should you be interested to learn more and proceed, the owners of the apartments of Bartholomew House will be pleased to advise and guide you to achieve a similar outcome.

Please feel free to contact us should you wish to discuss this matter.

RIGHT TO MANAGE: A GUIDE FOR LEASEHOLDERS

Under the Commonhold & Leasehold Reform Act 2002, residential leaseholders can take control of their block and its management functions by acquiring the right to manage their block as long as the leaseholders meet the qualifying criteria.

By acquiring the right to manage, the RTM company takes over the management functions in relation to the building currently exercised by FirstPort.

What are management functions?

Once the right to manage has been acquired, the RTM company will become responsible for the performance of management functions in relation to the building.

Management functions are functions with respect to services, repairs, maintenance, improvements, insurance and management. Essentially, the RTM company will become responsible for the provision of services under the lease.

In addition, they will also deal with the enforcement of covenants, and the grant of approvals/consents.

Please note that FirstPort will still be responsible for the management of the grounds and issue service charges in respect of grounds expenditure.

Main qualifications in order to qualify:

1. At least two thirds of the flat must be let to qualifying tenants (a qualifying tenant is a leaseholder whose lease is for more than 21 years);
2. The qualifying tenants who become members of the RTM company must equal at least half the total number of flats in the building.
3. The building must be structurally detached or separate from other buildings.

**How many RTM companies are needed?**
The Court of Appeal has ruled that an RTM company can only acquire the right to manage a single building. In Repton Park we have 15 separate detached leasehold blocks that will require a separate RTM company for each of those blocks; with each block needing to qualify and follow the procedure individually.

**What is the process?**
The first step is the formation of an RTM company. Any number of qualifying leaseholders may incorporate the RTM company. There follows a legal process that can take a few weeks to finalise as it not only involves the leaseholders but also the freeholder (Proxima) and the current managing agent FirstPort.