

Do you want
to manage
the block
where
you live?

A brief
guide to
the Right to
Manage



This leaflet serves as an introduction to the Right to Manage. If you are interested in taking up the Right to Manage we advise you to research the process in more detail, as well as consulting solicitors and our leasehold team.

The Right to Manage

The Commonhold and Leasehold reform Act 2002 introduced the Right to Manage (RTM.)

Right to Manage allows a group of Qualifying Tenants (details below) in a block of flats to form an RTM company. This company will initiate the RTM procedure which if successful will transfer the responsibility for carrying out and/or arranging the management of the building from Thames Valley Housing, to the RTM company. This will mean residents will become responsible for the day to day management and maintenance of their block of flats.

Taking over the management of your building will bring a number of responsibilities which you should be aware of if you are interested in forming an RTM company

- You will need an understanding of company procedures
- Officers of the company will have all the normal responsibilities of company directors
- You must consider the cost implications of exercising RTM
- Technical matters such as budgets and legal requirements must be dealt with
- The RTM company and its members are required to comply with a range of company, housing and health and safety laws



Qualifying conditions

The Right to Manage can only be exercised if the block of flats qualifies and if there are a sufficient number of qualifying leaseholders who wish to participate in the RTM company.

In order to establish whether you and your block qualify for the RTM, we suggest that you talk to other residents in your block to gauge interest and to see whether you fulfil the following qualifying conditions:

Do I qualify?

- You must own 100% of your flat and have more than 21 years left to run on your lease (This makes you a Qualifying Tenant)

Does my block qualify?

- All flats are self contained
- At least two thirds of the flats in the block are occupied by Qualifying Tenants (e.g. in a block of 9 flats at least 6 must be occupied by Qualifying Tenants)

If this is the case, and there is sufficient interest from other Qualifying Tenants, you and your fellow leaseholders should be entitled to undertake the Right to Manage.

The RTM Process

Once the qualification criteria has been established, if you wish to go ahead with the Right To Manage you will need to set up an RTM Company. This is probably the best time to contact a solicitor to receive further advice (we can help you do this if you like.)

The RTM company must comprise a sufficient number of Qualifying Tenants. This number must be equal to at least half the total number of flats in the building. For instance, if you live in a block of 9 flats, at least 6 must be occupied by Qualifying Tenants, and at least 5 of these tenants must be members of the RTM Company.

Once the RTM company has been registered there are a series of notices that must be served on other leaseholders and Thames Valley Housing before the RTM can be acquired.

These notices are summarised overleaf:



1. Issuing a notice of invitation to participate

The RTM company serves a notice on all Qualifying Tenants who are not members of the RTM company informing them that a company has been set up in order to acquire the Right to Manage, and invites them to join the company.

2. Issuing a Right to Information Notice

The RTM company may request any information from Thames Valley Housing which will enable them to make an informed decision about acquiring the RTM.

3. Issuing a claim notice

The RTM company sends this notice to Thames Valley Housing notifying us that the RTM company will be acquiring the Right To Manage the block. As a freehold or having a share in any property, Thames Valley Housing has the right to become a member of the RTM company once the Right to Manage has been exercised.

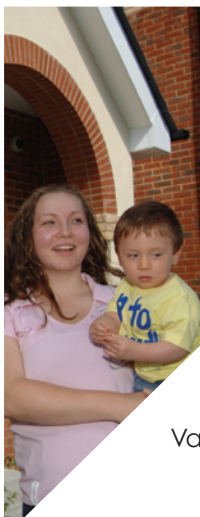
4. Counter notice

Within a month of receiving the claim notice, Thames Valley Housing will issue a counter claim either agreeing to allow the RTM company the Right to Manage or to deny it. Thames Valley Housing is unable to oppose an application unless the qualifying conditions have not been met.

Once an RTM company is established, it is responsible for:

- repairs
- estate services (cleaning and gardening)
- maintenance (daily and cyclical)
- building insurance
- overall management of the whole or part of the premises
- setting and collecting service charges

The RTM Company will not be responsible for Non-Qualifying Tenants; the RTM company will therefore have to request service charges from Thames Valley Housing for these other residents.



Cessation of RTM

If there are grounds to believe that the RTM company is not managing the premises in accordance with the lease, then an application to the Leasehold Valuation Tribunal (LVT) can be made by Thames Valley Housing or fellow leaseholders in your block. The LVT will decide the next best course of action.

I want to manage the Block where I live, what happens next?

If you are interested in exercising the Right to Manage, and have established qualifying criteria, please contact our leasehold team on leasehold@tvha.co.uk. We will be able to discuss the matter with you further, and advise you on the next steps to take.

Links to further helpful information can be found at the Residents Services section of our website:

www.tvha.co.uk



Thames Valley Housing Association Ltd
Premier House, 52 London Road, Twickenham TW1 3RP

Customer Service Centre: 0800 358 7767

www.tvha.co.uk