41 – 60 Albert Palace Mansions (Freehold) Ltd v Craftrule Ltd [2011] EWCA Civ 185; [2011] WLR (D) 62

In considering tenants' rights to collective leasehold enfranchisement, the Court of Appeal gave guidance on the interpretation of the words "a self-contained part of a building" under section 3 of the Leasehold Reform Housing and Urban Development Act 1993.

The flats in question were arranged in handed pairs over five floors. Effectively, there was a vertical division in the property between one half of the flats (nos. 41-50) and the other half (nos. 51-60). The landlord contended that s.3 required a separate notice and claim to be made by each group of flats separated by a vertical division, i.e. that s.3 referred to the smallest possible self-contained part of the building. The Court of Appeal held that there was no justification for putting such a gloss on the clear requirements of s.3. On the ordinary meaning of the words, there was nothing to suggest that "a self-contained part of the building" could not qualify if it was capable of further division into smaller self-contained sections. The words were neither ambiguous nor obscure and such a meaning did not lead to absurdity.

Helen Turnbull / 1st Apr 2011

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