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**FIRST-TIER TRIBUNAL  
PROPERTY CHAMBER  
(RESIDENTIAL PROPERTY)**

**Case Reference** : **LON/00BK/LVM/2013/0008**

**Property** : **1 Gloucester Street  
London SW1V 2DB**

**Applicants** : **Christopher Kidder  
Julia Lo Presti Ventura**

**Respondent** : **Gloucest SW Ltd**

**Manager** : **Calum Watson MIRPM MSc, D&G  
Block Management Ltd**

**Type of Application** : **For re-appointment of manager**

**Tribunal Members** : **NK Nicol  
C Gowman BSc MCIEH**

**Date and venue of  
Hearing** : **10 Alfred Place, London WC1E 7LR**

**Date of Decision** : **3<sup>rd</sup> September 2013**

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**DECISION**

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## **Decision of the Tribunal**

- (1) The Tribunal is satisfied that it is just and equitable to re-appoint Mr Calum Watson as manager of the subject property for a further 6 months from the expiry of the previous order on the same terms as the previous order.
- (2) The order made by the Tribunal on 5<sup>th</sup> September 2012 is amended accordingly (see paragraph 9 below).

## **The application**

1. By a decision dated 5<sup>th</sup> September 2012, the Tribunal appointed Mr Calum Watson MIRPM MSc as manager of the subject property for 12 months. Two of the original Applicants have applied for his re-appointment for a further 6 months.
2. The Applicants appeared in person at the hearing of their application on 3<sup>rd</sup> September 2013. Mr Watson also attended. The Tribunal regrets that no-one saw fit to attend on behalf of the Respondent. From the evidence before this and the previous Tribunals, the Applicants are opposed by Mr Summerfield of Flat 3 and Mr Bonneau of Flat 2, both directors and shareholders in the Respondent company. Despite Mr Summerfield making references to the law and threatening legal proceedings, and despite having had notice of these proceedings, it seems that neither of them actually have any respect for the law or this Tribunal in particular because they have not bothered to participate in the Tribunal's proceedings for either application.

## **The current position**

3. The background to this matter is fully set out in the previous Tribunal's decision of 5<sup>th</sup> September 2012. Since their order appointing him, Mr Calum has addressed many of the matters which gave rise to the previous application, including the collection of service charges, undertaking fire risk assessments, electrical testing and consequential remedial works, insurance reinstatement and repairs to the roof and leaking communal pipework.
4. However, the dispute between Mr Summerfield and Mr Bonneau on the one hand and the other shareholders and lessees on the other has continued. Mr Summerfield made it clear to Mr Watson at a lessee meeting in December 2012 that he opposed any or any increased participation in the company by other lessees which Mr Watson found unusual as being the opposite of what directors of lessee-owned management companies normally want. One of the applicants to the

previous application, Gillian McCurrach, has also sold her flat and moved on.

5. Mr Watson is firmly of the opinion, and the Tribunal agrees, that this dispute can only be temporarily ameliorated by his appointment as a manager and a longer-term solution is required. The Applicants are in the process of forming a Right To Manage company with a view to taking over management of the subject property and it is to be hoped that, if this proceeds, the management of the property will proceed satisfactorily. However, that would still probably leave matters to be resolved, particularly in relation to the running of the Respondent company. All parties are urged to get competent legal advice with a view to resolving their differences amicably.
6. In the meantime, Mr Watson feels that his work is not finished and he needs a further six months to complete it. Fire safety works have been held up by the refusal of the Summerfields and Bonneaus to pay their service charges but Mr Watson expects legal proceedings against them should be concluded so funds are in place within 3 months.
7. Further, Mr and Mrs Bonneau have refused to allow access into their flat for an inspection. Leaks originating from their flat in the past have made it impossible for the Applicants to get insurance for their flat and the inspection should allow a report and possible remedial works, if required, so that insurance may be reinstated. Mr Watson thinks 6 months should be sufficient for this.
8. There also remains a leak to the rear of the building which needs to be dealt with. According to a condition survey commissioned by Mr Watson, there are other remedial works needed too but he envisions those being addressed under a longer-term arrangement for the management of the property.

### **Decision and Order**

9. In the circumstances, the Tribunal is satisfied in accordance with section 24(9A) of the Landlord and Tenant Act 1987 that it is just and equitable to vary the order made on 5<sup>th</sup> September 2012 as follows:-
  - a) In paragraph 1c of the order, replace "Douglas & Gordon" with "D&G Block Management Ltd";
  - b) In paragraphs 2 and 3 of the order, replace "appointed" with "re-appointed";
  - c) In paragraph 3 of the order, replace "an initial term of 12 months" with "a further term of 6 months";
  - d) In paragraph 3 of the order, replace "the date of this Order" with "5<sup>th</sup> September 2013".

**Name:** NK Nicol

**Date:** 3<sup>rd</sup> September 2013