



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

Case reference : **LON/00AK/LVM/2021/0002**

HMCTS code : **P: PAPERREMOTE**

Property : **Ground and First Floor Flats, 5/5A St
Georges Road, London N13 4AT**

Applicant : **Mr Martin Kingsley (existing manager)**

Respondent : **Mr D.M. Greenwood (leaseholder of Flat
5A and part owner of freehold),
Mr Sudhir Sharma and Mrs Anita
Sharma (leaseholders of Flat 5 and part
owners of freehold)**

Type of application : **Variation of Appointment of Manager**

**Tribunal
member(s)** : **Judge D Brandler**

Venue : **10 Alfred Place, London WC1E 7LR**

Date of decision : **22nd June 2021**

DECISION

Covid-19 pandemic: description of hearing

This has been a remote hearing on the papers which has not been objected to by the parties. The form of remote hearing was P:PAPERREMOTE A face-to-face hearing was not held because it was not practicable and no-one requested the same. The documents that I was referred to are in a set of 4 bundles from the Applicant and responses from the Respondents, the contents of which I have noted. The order made is described at the end of these reasons.

Decision of the tribunal

1. In accordance with section 24(1) Landlord and Tenant Act 1987 (“The Act”), the Management Order dated 6th July 2015, extended to 5th July 2021, currently in place in respect of the Property is here by varied by extending it so that it will now expire on 5th July 2024.
2. The Management Order as varied by paragraph 1 above shall continue in full force and effect.
3. No cost order is made.

Background

4. By a decision dated 6th July 2015 the Tribunal appointed the Applicant as manager of the Property for the reasons stated in that decision (*Ref: LON/ooAK/LAM/2015/0001*)
5. That appointment was due to expire on 5th July 2018. The Applicant applied for a variation of the Management Order to extend it so that it would instead expire on 5th July 2021. That variation was approved by the Tribunal in their decision dated 19th March 2018 (*Ref: LON/ooAK/LVM/2018/0003*)
6. On 5th March 2021 the Applicant applied for a variation of the Management Order to extend it so that it would instead expire on 5th July 2024.
7. Mr Greenwood is the leaseholder of Flat 5A and part owner of the freehold. Mr and Mrs Sharma are the leaseholders of Flat 5 and part owners of the freehold.

Paper determination

8. The Tribunal is satisfied that this case is suitable to be dealt with on the papers alone, without a hearing. No request for a hearing has been received and therefore the case is being dealt with on the papers alone.

Applicant’s case

9. The Applicant had provided a summary of his experience of the property, including overseeing external major works. Both current owners are considering undertaking major works including a loft conversion and ground floor rear extension and the Applicant has prepared and served licences for alterations and will be overseeing these works to protect the interests of the building.
10. He has made this application for the following reasons:-
 - *To guarantee that the Manager has sufficient funds available and can continue to maintain and manage the property without disruption.*
 - *To ensure the building is managed professionally with proper accounting.*

- *To continue the long-term agreement on the future management of the property.*
- *It is essential that the lessees collaborate with the Manager rather than taking independent action.*

Respondents' comments

11. Mr and Mrs Sharma actively support the proposed extension.
12. Mr Greenwood in his submissions to the tribunal states that “*with reluctance, I am willing to support the extension of the management order*”, asking that the order be extended only for 18 months rather than the 3 years sought.
13. Mr Greenwood’s position is that there are only limited issues to be resolved, which include the proposed extension to the ground floor flat, the forthcoming construction of the external rear staircase for the first floor flat, and a possible extension to the front forecourt to create a parking space for the ground floor flat. His comments are set out in a 7-page document, and within that at paragraph 5 he sets out his requests clarifying the scope of the management order.

Tribunal’s Decision

14. Under section 24(9) of the Act “*A tribunal may, on the application of any person interested, vary or discharge (whether conditionally or unconditionally) an order made under this section...*”.
15. Under section 24(9A) “*The tribunal shall not vary or discharge an order under subsection (9) on the application of any relevant person unless it is satisfied – (a) that the variation or discharge of the order will not result in a recurrence of the circumstances which led to the order being made; and (b) that it is just and convenient in all the circumstances of the case to vary or discharge the order*”.
16. We note the basis on which the original management order was made and the fact that the Tribunal in 2015 found Mr Kingsley to be a suitable manager. We also note that the Tribunal in 2018 were satisfied that it was just and convenient to vary the original order so that it would be extended to 5th July 2021. We also note the details provided by Mr Kingsley of the work that he has done to date, including overseeing previous major works, and having been involved in the planning for further major works.
17. Mr and Mrs Sharma actively support the proposed extension.
18. We note Mr Greenwood’s “*reluctant*” support to extend the management order, his detailed submissions in relation to ongoing issues at the property, his request that the extension is only for 18 months, and that the Applicant be limited in his management powers. The Tribunal finds

that with all these ongoing issues that a three year extension is appropriate bearing in mind the complexities of the issues and the current potential restrictions as a result of Covid-19 which may result in delays.

19. The Tribunal do not find that the Applicant's involvement in the extension works are beyond the scope of the Applicant, as suggested by Mr Greenwood.
20. It is arguable that the Applicant could simply be appointed by the joint freeholders as their managing agent. However, in view of the fact that (a) the new leaseholders are actively supporting the extension of his appointment and (b) Mr Greenwood supports it, albeit reluctantly and (c) there are significant ongoing issues, it is in our view appropriate to continue to afford to the Applicant the greater powers that come with the role of Tribunal appointment manager. The evidence also indicates that the Applicant has been managing the Property effectively and that extending his appointment would help him to resolve issues.
21. Therefore, on the basis of the information that we have we are satisfied that it is just and convenient to vary the existing order in the manner sought by the Applicant and that varying the order in this manner will not result in a recurrence of the circumstance with led to the original order being made.

Costs

22. No cost applications have been made.

Name	Judge D Brandler	Date	22 nd June 2021
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Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.

The application for permission to appeal must arrive at the regional office within 28 days after the tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28-day time limit, such application must include a request for an extension of time and the reason for not complying with the 28-day time limit; the tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).