



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

Case reference	:	LON/00AX/LVM/2021/0001 V:CVP REMOTE
Property	:	Flats 1-4, Aranmor Kingston Hill, Surrey, KT2 7LY
Applicant(s)	:	The four lessees of the property being the directors of CHP (Aranmor House Management) Limited
Respondent(s)	:	CHP (Aranmor House Management) Limited (1) Marcus Pollett (2)
Type of application	:	Variation of order for appointment of a manager
Tribunal Members	:	Judge Professor Robert Abbey Evelyn Flint FRICS
Venue	:	By video hearing
Date of hearing and date of decision	:	28 June 2021; 29 June 2021

DECISION

BACKGROUND

- (1) The applicants seek the variation of an order appointing a manager under section 24(9) of the Landlord and Tenant Act 1987 (the Act).
- (2) Mr Marcus Pollett is the present tribunal-appointed manager (the second respondent).
- (3) The existing order of appointment was made on 17 June 2019, (the management order) appointing Mr Marcus Pollett of Moss & Co. Prior to that on 30 October 2017 the Tribunal appointed Mr Robert Heald as the manager.
- (4) All the tenants in the property (the applicants) wish to *discharge* the present manager forthwith as the applicants are in full agreement that they no longer believe a property manager is necessary.

- (5) The applicant seeks a discharge of the order so that the management of the property can revert to the freehold management company (first respondent) of which the applicants are the four directors.
- (6) Directions were issued by the Tribunal dated 8 April 2021 directing that there be a video hearing to deal with this application.
- (7) The tribunal did not inspect the property as it considered the documentation and information before it in the trial bundle enabled the tribunal to proceed with this determination and also because of the safety concerns, restrictions and regulations arising out of the Covid-19 pandemic.
- (8) This has been a remote hearing which has been consented to by the parties. The form of remote hearing was coded as V:CVPREMOTE - use for a hearing that is held entirely on the Ministry of Justice Cloud Video Hearing Platform with all participants joining from outside the court. A face-to-face hearing was not held because it was not possible due to the Covid -19 pandemic restrictions and regulations and because all issues could be determined in a remote hearing. The documents that were referred to are in a bundle of many pages, the contents of which we have recorded and which were accessible by all the parties. Therefore, the tribunal had before it an electronic/digital trial bundle of documents prepared by the parties, in accordance with previous directions.
- (9) The lessee applicants attended the hearing and represented themselves but the second respondent did not attend. An email was sent to the Tribunal by the second respondent prior to the date of the hearing explaining why he was not attending.

DECISION

1. Section 24(9) of the Act provides that “*The appropriate tribunal may, on the application of any person interested, vary or discharge (whether conditionally or unconditionally) an order made under this section; and if the order has been protected by an entry registered under the Land Charges Act 1972 or the Land Registration Act 2002, the tribunal may by order direct that the entry shall be cancelled.*” Pursuant to the terms of that provision this Tribunal orders that the management order be discharged upon the terms set out below.
2. If the management order has been protected in the manner set out in the previous paragraph the Tribunal orders that the entry be cancelled.
3. The first respondent will as soon as possible open a bank account in its name at a reputable national clearing bank.
4. The management order shall be discharged seven days from the date that the first respondent has opened such a bank account in its name (the end date)
5. The second respondent must within two weeks of the end date prepare final closing accounts and send copies of the accounts to the applicants

and the first respondent, who may raise queries on them within 7 days; and answer any such queries within a further 14 days.

6. The second respondent must reimburse any unexpended monies to the first respondent within two weeks of the end date or, in the case of a dispute, as decided by the Tribunal upon an application by any interested party.
7. In the event of a dispute regarding the reimbursement of unexpended monies at the end of the manager's appointment, the second respondent, a tenant, or the first respondent may apply to the tribunal for a determination as to what monies, if any, are payable, to whom, and in what amount.
8. Within 14 days from the end date the second respondent must provide all necessary information to the first respondent to provide for an orderly transfer of responsibilities, to include the transfer of all accounts, books buildings insurance records and any other records relating to the Property, including a complete record of all unpaid service charges as well as all funds relating to the Property including uncommitted service charges and any monies standing to the credit of a reserve or sinking fund.

Name: Judge Professor Robert **Date:** 29 June 2021
Abbey