



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

Case reference : **LON/00AN/LVM/2019/0006**

Property : **10 Askew Road, London W12 9BH**

Applicant : **Mr and Mrs Bernard Bortey (lessees)**

Representative :

Respondent : **(1) Patricia Elizabeth Roberts, as
executrix of Iris Shoucair Aikman
(freeholder)
(2) Craig Sewell (existing tribunal
appointed manager**

Interested person : **Joseph Cato (freeholder's managing
agent|)**

Type of application : **To extend an order for the appointment
of a manager**

Tribunal member(s) : **Simon Brilliant
Hugh Geddes**

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

Date of decision : **7 May 2019**

DECISION

Order

1. Pursuant to our powers under section 24(1) of the Landlord and Tenant Act 1987 ("the Act"), we make an order extending the existing management order and Mr Newall's appointment as manager of the property for a further period

of three years from 2 July 2019, so that the order will now expire on **1 July 2022**.

2. The appointment of Mr Newall shall be on the same terms and conditions as the existing order, save that the management fee is to increase to £1,900.00 plus VAT per annum. For the avoidance of doubt, Mr Newall's functions include the collection of service charges due from the first respondent.
3. Mr Newall's appointment will remain fully in force and be effective until it expires or until it is replaced by a further order of this tribunal.
4. Any application for a further extension should be made by **1 April 2022**.
5. The manager must by **1 August 2022** send to the tribunal and copy to the other parties a full report on his management with closing accounts.

Reasons

6. Pursuant to section 24(2)(b) of the Act we are satisfied for each of the following reasons that it is just and convenient to make the order:
 - By an application notice dated 21 February 2019 the applicants applied to extend the existing management order appointing Mr Newall as manager.
 - By letter dated 26 February 2019 the tribunal directed the applicants to provide the tribunal with written confirmation from Mr Newall that he consented to the proposed extension of his appointment. The tribunal also directed Mr Askew, the second respondent's agent, to inform the tribunal whether the first respondent consented to or opposed the application.
 - Mr Newall has consented to being reappointed. Mr Askew has written that he does not object to the application. Mr Newall has provided a comprehensive report on his management to date.
 - The extension is required to ensure the proper management of the property and, in particular, to enable the manager to undertake the management plan set out in his witness statement dated 9 April 2019.
 - Whilst in normal circumstances it would be unusual to extend an order for so long, the applicants are unable to apply for a no fault management order under Chapter 1 of Part 2 of the Commonhold and Leasehold Reform Act 2002, as there are insufficient qualifying tenants.

s.20C application

7. The applicants have also made a s.20C application. Mr Askew has not responded to it and we consider it just and equitable for such an order to be made and for the costs of the applications to be reimbursed.

Name: Simon Brilliant

Date: 7 May 2019

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).

