



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

Case reference : CHI/8UH/LAM/2019/0001

Property : Hacombe House, Hacombe,
Newton Abbot, Devon TQ12 4SJ

Applicant : Mr Paul Jeffries
Mrs Ann Jeffries

Representative : Clarkslegal LLP, solicitors

Respondent : Raymond Laurence Rowe

Representative : Scott Richards Solicitors

Type of application : Appointment of a manager

Tribunal member(s) : Judge Tildesley OBE
Mr T Dickinson FRICS
Mr W H Gater FRICS

Venue : Torquay & Newton Abbot County Court,
The Willows, Nicholson Road, Torquay,
Devon TQ2 7AZ
1 April 2019

Date of decision : **26 June 2019**

SUPPLEMENTAL DECISION

1. On 1 April 2019 the Tribunal determined as follows:

- In accordance with section 24(1) Landlord and Tenant Act 1987, Mr Mark Christie of Residential Block Management Group Ltd, The Atlantic Building, Queen Anne's Battery, Plymouth, Devon, PL4 0LP ("the Manager") is appointed as manager of the Property known as Haccombe House, Haccombe, Newton Abbot, TQ12 4SJ more specifically defined on the attached plan.
- The Order shall continue for a period of two years from 1 June 2019. If any party or parties interested wish to apply for an extension of the Order they are encouraged to do so at least three months before the Order expires.
- The Manager shall manage the Property in accordance with
 - the directions and schedule of functions and services attached to this Order;
 - save where modified by this Order, the respective obligations of the Landlord and the Lease whereby the Property is demised by the Landlord and in particular with regard to repair, decoration, provision of services and insurance of the Property; and
 - the duties of a manager set out in the Service Charge Residential Management Code ("the Code") (3rd Edition) or such other replacement code published by the Royal Institution of Chartered Surveyors and approved by the Secretary of State pursuant to section 87 Leasehold Reform Housing and Urban Development act 1993.
- The Manager shall register the Order against the Landlord's registered title as a restriction under the Land Registration Act 2002 or any subsequent Act.
- In accordance with section 20C Landlord and Tenant Act 1985, all the costs incurred by the landlord in relation to this application are not to be regarded as relevant costs to be taken into account in determining the amount of any service charge payable by the Applicants or any of the other leaseholders of the Property.

2. The appointment was made subject to the following conditions:

- a) The Tribunal expressed that the objectives for the order were to collect service charges and arrears in a timely fashion, to agree a major works programme fully costed and to establish good relations with the freeholder and leaseholders.

- b) The Tribunal would expect Mr Christie to visit the property in person at least once a month in the first year.
 - c) By **1 May 2019** Mr Christie to supply the Tribunal, and the representatives for the parties with a management plan for the next five years identifying the priorities for the next two years. Mr Rowe indicated that he would affix the plan to the residents' noticeboard in the communal areas so that all leaseholders could view it.
 - d) By **1 May 2019** Mr Christie to supply the Tribunal and the parties' representatives with details of his charges and in particular his fees for additional duties. The form of the charges should be in accordance with the RICS Code. Mr Rowe to affix the charges to the noticeboard.
 - e) The Tribunal questioned the wisdom of Mr Christie bringing in a new surveyor to assess the major works required for the property. The Tribunal indicated that there had already been two reports prepared by reputable surveyors and that Mr Christie should engage the services of one of those surveyors to take forward the programme.
 - f) By **1 June 2019** Mr Christie to provide a certificate of liability for the professional indemnity cover which should specifically state that it applies to Mr Christies' duties as a Tribunal appointed manager
 - g) Mr Dyson indicated that the parties had reached an agreement with the extent of the property subject to the management order. Essentially the management order did not extend to the area used by Mr Rowe for the nursery business, the area developed by Mr Rowe for wildlife and plants and the private garden area. The Tribunal approved Mr Dyson's suggestion of producing a plan drawn up by a surveyor clearly identifying the boundaries of those areas subject to the management order. The Respondent to provide the Tribunal and the Manager with a copy of the plan by no later than **1 May 2019**.
3. Mr Christie was unable to take up the appointment on 1 June 2019. There was also a delay with the provision of the plans referred to in 2(g) above.
4. Mr Christie has now informed the Tribunal that he is in a position to take up his appointment on 1 July 2019. The Tribunal has also received the agreed plans which have been incorporated in the Management Order attached together with the agreed wording of the parties.

5. The Tribunal having reviewed the documents provided by Mr Christie have two outstanding matters and require Mr Christie to resolve them by 15 July 2019 and inform the Tribunal and parties accordingly.
6. The matters outstanding are:
 - To provide confirmation in writing from the broker that the professional indemnity cover for Mr Christie covers his duties as a Tribunal appointed manager and that the policy conforms with ARMA minimum standards. Mr Christie to supply a certificate of liability for professional indemnity cover.
 - To provide a list of fees for additional duties which are not covered within the fee for Tribunal appointed manager. The list provided appears to include all fees charged by Mr Christie. The Tribunal refers Mr Christie to paragraphs 3.3 – 3.7 of the RICS Code: Service Charge Residential Management Code 3rd Edition.
7. Subject to resolution of the outstanding matters the Management Order shall commence on 15 July 2019.
8. The Tribunal asks Mr Rowe to affix these documents to the Leaseholder's Noticeboard.