



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

Case Reference : CHI/00MS/LAM/2021/0006

Property : 110 Richmond Road, Southampton SO15
3FS

Applicant : Miss Jennifer Veale

Representative :

Respondent : Freemantle Property Services Limited

Representative : Mr Garry Abbott

Type of Application : Appointment of a manager

Tribunal Member(s) : Judge D R Whitney

Date of Hearing : 23rd September 2021

Date of Determination : 11th January 2022

FINAL DECISION

Background

1. The Applicant is a leaseholder at the Property. She sought an Order appointing Mr Nigel Spencer of Hampshire Property Management Limited as a Tribunal Appointed Manager.
2. The Respondent company is the freeholder and also manages the Property.
3. The Tribunal issued directions on 14th July 2021. Following a hearing on 23rd September 2021 a Decision was issued dated 5th October 2021. This decision must be read in conjunction with that decision.

Decision

4. The Tribunal in the earlier decision determined that it was just and convenient for a manager to be appointed but that the manager nominated was not suitable. The decision gave further directions for the parties, if they so wished to nominate an alternative manager.
5. Both parties supported the nomination of a Mr Denis Harper and directions were given for him to file appropriate statements and to attend a hearing for the Tribunal to assess his suitability.
6. Subsequently it appeared that Mr Harper did not wish to be appointed in his personal capacity and may have misunderstood what was required for a Tribunal appointment. Mr Harper withdrew his nomination.
7. It appears the parties to this application are in agreement that the firm for whom Mr Harper is employed should be appointed by the Respondent freeholder.
8. As a result the Tribunal vacated the hearing fixed and invited representations from the parties as to whether it should now decline to appoint a manager. No representations were found.
9. The Tribunal hopes that the appointment of a managing agent by the Respondent will be successful. Plainly this will be in all parties interests to ensure the good management of the building.
10. The Tribunal has previously found that it would be just and convenient for a manager to be appointed. The Tribunal declines to appoint a manager and dismisses the application. The reason for so doing being that no suitable manager has been nominated by either party to the Application.

RIGHTS OF APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application by email to rpsouthern@justice.gov.uk to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28 day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.