



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

Case Reference : **LON/00AN/LVM/2023/0003**

Property : **384 Uxbridge Road, London W12
7LL**

Applicant : **Joanna Roznowska MRIPM
AssocRICS (Tribunal appointed
manager)**

Representative : **In person**

Respondents : **(1) Gurinderjeet, Balit & Mohinder
Singh Suri (freeholders)
(2) Ms J Toledo, Mr P S and Ms N J
Thind, Ms C Audibert & M Mehri
(leaseholders)**

Representative : **N/A**

The Manager : **Joanna Roznowska MRIPM
AssocRICS**

Tribunal members : **Judge Tagliavini
Mr N Martindale FRICS**

Date of Order : **7 June 2023**

DECISION & MANAGEMENT ORDER (Variation)

The tribunal's summary decision

- (1.) The tribunal varies the Management Order dated 19 March 2020 and extends it to 18 March 2026.
 - (2.) The tribunal varies the Management Order dated 19 March 2020 and substitutes the sum of £400 for the previously payable £250 as the fee payable to the manager per annum by each lessee.
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The application

1. The applicant is the tribunal appointed manager who seeks a variation of the Management Order dated 19 March 2020 pursuant to section 24(9) of the Landlord and Tenant Act 1987 ('the 1987 Act').

The background

2. In a decision dated 19 March 2020, the tribunal determined it was appropriate to appoint the applicant as the manager of the subject property situate at 384 Uxbridge Road, London W12 7LL ('the premises'). The appointment was made for a period of three years with effect from 19 March 2020. In directions dated 9 March 2023, provision was made for the extension of the Management Order pending the tribunal's determination of the application and an interim order was made extending the Management Order under s.24(2)(b) of the 1987 Act.
3. The premises comprise a Victorian terraced house with commercial shop premises on the ground and basement floors and three residential units above. The freeholders of the premises continue to play no active part in the upkeep of the building although indicated orally to Ms Raznowska they did not oppose her continued appointment. There is also a head leaseholder Ms C Bushnell who is missing and who has played no active role in this application.
4. In the current application, Ms Roznowska relied upon a statement in support of her application dated 24 April 2023, which stated that the aspects of health, safety and fire regulation that required attention have been attended to during the period of her management of the premises. However, since 2020 there have been reports of water ingress to the premises, which on investigation showed significant works are required to remedy the problem that has become increasingly extensive and would be most effectively remedied were she to remain the tribunal appointed manager.

5. The tribunal was informed that the leases of the residential properties did not make provision for the collection of a reserve fund. However, the Management Order of 19 March 2020 made provision for the collection of such a fund and stated under the paragraph headed **‘Schedule of Functions and Services – Service Charge’** that the manager may:
 - (ii) Demand and collect service charges **(including contributions to a sinking fund)**, insurance premiums and any other payment due from the lessees.
6. Therefore, the tribunal would expect the manager to utilise this power to facilitate the carrying out of the proposed major works to remedy the water ingress into the premises.

The hearing

7. An oral hearing of the application was held by video on 7 June 2023 at which Ms Roznowska represented herself. Ms Audibert attended by telephone but had already indicated in writing to the tribunal that she supported the application. No other written representations were received from the respondents despite the tribunal’s directions requiring them to indicate whether they objected to the application and to state the reasons why by **12 May 2023**.
8. Although the lessee of the first floor flat Ms J Toledo made several attempts to join the video hearing, she could not be seen or heard by the tribunal despite making several attempts to connect electronically with the details provided to her by the tribunal. However in an email to the tribunal after the conclusion of the hearing, Ms Toledo wrote:

I am very sorry, I was not able to join it, but I am glad to say I was able to follow the case, I do object to the decision, this administrator, has done a pesimo (sic) job, the few repairs she has organise, are done in a poor quality.

We have serious problems with damp, and she has not organised or approached the problems.

I do object to her new extension.
9. As well as hearing Ms Roznowska’s oral evidence, the tribunal considered her written evidence which set out the measures she had taken to manage the premises. The tribunal was also provided with a report and a number of photographs showing the extent and likely cause of the water ingress to the premises which required remedial works Ms Roznowska was proposing to have carried out if the Management Order was varied.

The tribunal's decision

10. The tribunal considers it appropriate to vary the Management Order dated 19 March 2020 in the following terms:

MANAGEMENT ORDER OF 19 MARCH 2020 (VARIED ON 7 APRIL 2023)

Duration

- (i) The Management Order is varied and extended to **18 March 2026**.

Fees

- (ii) Fees for the abovementioned management services will be a basic fee of ~~£250~~ **£400** per annum per flat. Those services to include the services set out in the Service Charge Residential Management Code published by the RICS

Reasons for the tribunal's decision

11. In making its decision the tribunal had regard to section 24(9A) of the 1987 Act which states:

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.

12. The tribunal is concerned that in the absence of a manager the ongoing problems of water ingress will not be effectively addressed in a timely manner or at all in light of the freeholder's continued absence of involvement in the management and maintenance of the premises. The tribunal is satisfied the Manager has addressed the problems identified by the tribunal that made the Management Order dated 19 March 2020. The tribunal is also satisfied the continuation of the appointment of a manager will not result in a recurrence of the circumstances which led to the order being made on 19 March 2020.
13. Although Ms Toledo sought to object to Ms Roznowska's continued appointment, she had not put these objections in writing as directed or

provided any evidence of these assertions or put forward any proposals for an alternative manager or solution to the water ingress.

14. Therefore, in the absence of any substantial objection to the application by the leaseholders and the support of it by the freeholders and the leaseholder Ms Audibert, the tribunal considers it is just and convenient to vary the Management Order of 19 March 2020 as sought.

Name: Judge Tagliavini

Date: 7 June 2023

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).