



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

**Case Reference** : **LON/00AH/LVM/2023/0010**

**Property** : **74 Auckland Road, London SE19 2DH**

**Applicants** : **Therese Leignel (Flat 3)  
Thorin Redwin (Flat 4)  
Helena O'Neil (deceased) (Flat 2)  
Doug and Teresa Gordon (Flat 1A)  
Mai Winskov and Amadeus Martin (Flat 1B)  
Garreth Carter (Basement)**

**Representative** : **I/P**

**Respondent** : **Steven Wiles Director Prime Property  
Management and Tribunal appointed  
manager**

**Representative** : **I/P**

**Tribunal members** : **Judge Tagliavini  
Mr A Harris LLM FICS FCI Arb**

**Type of application** : **Variation of order for appointment of a  
manager**

**Date of hearing** : **4 September 2021**  
**Date of decision** : **4 September 2021**

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**DECISION**

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## **The tribunal's summary decision**

- (1) The tribunal varies the Management Order made on 1 June 2022 and discharges Steven Wiles as the tribunal appointed manager and the Management Order both with effect from **1 December 2023**.
  - (2) Except for implementing and concluding the handover procedure to the applicant freeholders and notifying the Land Registry of the tribunal's discharge of the Management Order, Mr Steven Wiles is not required to take any further steps in carrying out the terms of the Management Order dated 1 June 2022.
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## **Background**

1. On 1 June 2021 the tribunal made a Management Order appointing Steven Wiles of Prime Property Manager for a term of three years, the parties to that application having agreed between themselves they wished the tribunal to make a Management Order; *ref: LON/00AH/LAM/2021/0025*.
2. Four of the applicant lessees of Flats 1A, 2, 3 and 4 are also freeholders of the six flats at subject property at 74 Auckland Road, London SE19 2DH ('the property'). Since this application was made pursuant to section 24(9) of the Landlord and Tenant Act 1987, the lessee of Flat 2 Ms Helena O'Neill has died. At the date of the hearing, the identity of the beneficiary of Ms O'Neil's estate was not known or their views on this application. However, due to the consensus among the remaining five lessees and Ms O'Neil's previous support of this application, the tribunal determined it was reasonable and appropriate to proceed with its determination rather than adjourn it to a later date in order.
3. All lessees of the six flats now seek the discharge of the Management Order citing personal financial issues and making assertions of a lack of care on the part of Mr Wiles to accommodate these in the planned schedule of works and his 10 year plan.

## **The hearing**

4. The applicants relied on numerous documents submitted to the tribunal in separate email attachments rather than the indexed and paginated bundle required. The respondent relied on an indexed and paginate bundle of 163 electronic pages.
5. Both the applicants and the respondent gave oral evidence to the tribunal. The applicants told the tribunal they intended to self-manage the property and would implement Mr Wiles 10 year plan and Schedule

of Works using their own preferred contractors to be carried out at a pace and cost that was affordable for all lessees.

6. Mr Wiles told the tribunal that although he was prepared to carry on as the Manager, commonsense dictated that he should consent to the application as all leaseholders supported his discharge. Mr Wiles confirmed to the tribunal that all expenses he had incurred since his appointment had been recovered by him and no further sums were due.

### **The tribunal's decision and reasons**

7. The tribunal varies the Management Order dated 1 June 2022 and discharges Mr Steven Wiles from his appointment with effect from 1 December 2023. The tribunal expects Mr Wiles to facilitate and conclude the 'handing-over' process' by 1 December 2023. However, Mr Wiles is not expected to carry out any other functions as Manager under the terms of the Management Order.
8. The tribunal accepted the relationship between the applicants and Mr Wiles had broken down but in view of the consensus among the lessees and Mr Wiles consent to being discharged as the Manager, the tribunal was not required to determine the assertions and counter-assertions made by both parties.
9. The tribunal determined that in all the circumstances, the variation and effective discharge of the Management was the most sensible and hopefully, the most productive approach to the proper management of the subject property in view of the applicants' consensus and wish to manage the property themselves, with the support of other professionals as and when they deemed necessary.

**Name: Judge Tagliavini**

**Date: 4 September 2023**

### **RIGHTS OF APPEAL**

1. A written application for permission must be made to the First-tier Tribunal at the Regional tribunal office which has been dealing with the case.

2. The application for permission to appeal must arrive at the Regional tribunal office within 28 days after the date this decision is sent to the parties.
3. 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.
4. The application for permission to appeal must state the grounds of appeal and state the result the party making the application is seeking. All applications for permission to appeal will be considered on the papers
5. Any application to stay the effect of the decision must be made at the same time as the application for permission to appeal.