



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

Case Reference : CHI/00HH/LVM/2023/0006

Property : Westwood Villa, 111 Abbey Road,
Torquay, Devon, TQ2 5NP

Applicant : Matthew House and Graeme Crighton -
Flat 2 (1)
William Mills – Flat 3 (2)
Sarah Kirwan and Emma Kirwan – Flat 5
(3)

Representative : None

Respondent : Unit-2 (Torquay) Ltd (1)
C/O Scanlans (Receivers)

**Tribunal appointed
manager** : Yvette Condren AIRPM, MARLA, MNAEA

Representative : None

Type of Application : Variation of an Order appointing a
Manager
Section 24 of the Landlord and Tenant Act
1987

Tribunal Member(s) : D Banfield FRICS

Date of Decision : 27 December 2023

DECISION

Background

1. On 1 March 2022 the Tribunal appointed Ms Yvette Condren AIRPM, MNAEA, MARLA as manager of the property for a term expiring 29 February 2024.
2. By way of an application received on 31 August 2023 the Applicants seek to vary the Management Order by extending the term of Ms Condren's appointment. The grounds relied upon are contained within the application form.
3. The Tribunal made Directions on 6 October 2023 requiring the Landlord and each leaseholder to complete a pro-forma indicating whether they agreed or disagreed with the application. If an extension of the Management Order was opposed, the Respondents were to provide a statement addressing the reasons for the objection. If the Landlord or a leaseholder does not return the pro-forma the Tribunal will assume they agree with the application.
4. The Tribunal considered that the application was likely to be suitable for determination on the papers alone without an oral hearing in accordance with Rule 31 of the Tribunal Procedure Rules 2013 unless a party objected in writing. No party has objected and the application is therefore so determined.
5. On receipt of the hearing bundle the Tribunal reviewed the application and considered it is still suitable to be determined on the papers there being no substantive dispute on the facts and no response having been received from the landlord.
6. References to page numbers in the hearing bundle are indicated as [*]

Evidence

7. A copy of the Tribunal's decision of 18 February 2022 was enclosed which included the Management Order [19].
8. The variations to the Order requested [57] are to extend the existing appointment by amending paragraph 3 to 1 March 2024 to 28 February 2026 and paragraph 20(a) from £210 to £230 being the annual fee per flat.
9. A progress report was included [59] and a Management Plan dated October 2023 [62] together with copies of insurance and professional membership certificates.

Decision

10. This is an unopposed application to extend the term of a Tribunal appointed manager. Satisfactory progress has been reported to having

been made and a management plan for future progress provided. The Tribunal is therefore satisfied that the requested extension should be granted the terms of which are to be varied as referred to in paragraph 8 above.

11. For clarity the varied sections of the Order are;
 3. The Manager's appointment shall start on **1 March 2024** ("the start date") and shall end on **28 February 2026** ("the end date").^[1]_[SEP]
 20. The sums payable by way of Manager's fees are:
 - (a) an annual fee of £230 per flat for the first year of the appointment and thereafter subject to annual review.
12. All other terms of the Tribunal's order remain unchanged.

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.