



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

Case Reference : **LON/00BK/LVM/2024/0004**

Property : **383-385 Harrow Road, London, W9
3NA**

Applicant : **Kristof Karol**

Representative : **Knights Professional Services
Limited, Solicitors**

Respondents : **(1) Yatra Tillbrook (Freeholder)
(2) The long leaseholders and
commercial tenants:
(a) Haab Developments Limited
(Flat A)
(b) Mohammed Maqsood Sheikh
(Flat B)
(c) D Z Darvas (Flat C)
(d) A2 Dominion South Ltd (Flat D)
(e) 14 Thornbury Limited (Flats E &
F)
(f) Sanjay Patel and Hina Patel
(Unit 383)
(g) Muayad Barakat (Unit 385)**

Representative : **n/a**

Tribunal member : **Tribunal Judge I Mohabir**

Date of Decision : **11 June 2024**

DECISION

Background

1. By an application dated 9 February 2024, the Applicant seeks a further variation to a management order made by the Tribunal dated February 2014 (“the first order”).
2. Pursuant to the first order, the Applicant was appointed by the Tribunal as the Manager for the property known as 383-385 Harrow Road London W9 3NA (“the property”) for a term of 5 years.
3. The first order was subsequently varied by an order dated 13 February 2019 to extend the term of the Applicant’s appointment for a further 3 years.
4. In this application, the Applicant seeks to extend the term of his appointment for a further 3 years.
5. The Applicant contends that the management of the property has been improved as a result of the appointment of the Applicant and is now in a better state of repair and condition as a result of the works undertaken and planned schedule of works established by him. In particular, the Applicant has focused particularly on taking legal action for the collection of substantial arrears in service charge. The process took a significant amount of time, which hampered the Applicant’s ability to commence necessary works until funds were available. In addition, the Applicant has undertaken the repairing and reinstatement of the commercial premises within the scope of the his responsibility, carpet replacement, internal redecoration, external repairs to main structure of the property and repair works to the roof.
6. However, further repair and maintenance work in relation to the electrical installation, the staircases, further roof repairs and health and safety issues in the commercial unit.

The Law

7. Section 24(9) of the Landlord and Tenant Act 1987 provides:

“(9) The appropriate tribunal may, on the application of any person interested, vary or discharge (whether conditionally or unconditionally) an order made under this section;...

(9A) 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.”

Decision

8. As directed, the Tribunal's determination took place on 11 June 2024 based solely on the evidence filed by the Applicant.
9. Having considered that evidence, the Tribunal was satisfied that the test set out in section 24(9) of the 1987 Act was met and that the extension of the first and second orders would not result in a recurrence of the circumstances which led to the orders being made and it was just and convenient in the circumstances to do so.
10. The Tribunal's reasons for concluding in those terms are:
 - (a) the application is unopposed by the Respondents and the Applicant's assertion about the overall management of the property having improved is uncontroverted. In particular, the Tribunal noted that the financial management of the property now appeared to be on a proper footing.
 - (b) the Applicant had provided evidence in relation to the outstanding repair and maintenance works for the property. The Tribunal was satisfied that an extension of 3 years to the Applicant's tenure would enable those works to be completed.

Terms of the Order

11. The terms of the first and second orders remain save for the following variations:
 - (a) the appointment of Mr Kristof Karol as the Manager of the property shall continue for a further term of 3 years from the date of this decision until further order.
 - (b) fees for the management functions given to the Manager under this order (with the exception of supervision of major works and carrying out the works set out in paragraphs 3 and 4 in the Schedule of Fees) shall be £3,200 plus VAT per annum. Major works and other duties outside the scope of the annual fee shall be dealt with in accordance with the RICS service Charge Residential Code.

Name: Tribunal Judge I
Mohabir

Date: 11 June 2024

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).