



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

Case Reference : **LON/00BD/LVM/2023/0007**

Property : **Meadow Court, Whitton Dene, Whitton,
Hounslow TW3 7JP**

Applicant : **Joanna Rosnowska**

Representative : **I/P**

Respondent : **Meadow Court Flats Ltd**

Representatives : **The shareholders and lessees of Flats 1,
2, 3 and 5**

The application : **Application to vary an existing
management order pursuant to s.24 of
the Landlord and Tenant Act 1987**

Tribunal members : **Judge Tagliavini
Mr Richard Waterhouse FRICS**

Date of hearing : **7 September 2023**
Date of decision : **8 September 2023**

DECISION

The tribunal's summary decision

- (1) The tribunal varies the Management Order dated 19 March 2021 in the following terms:
 - (i) The applicant's appointment as Manager and the Management Order will continue for a period of two years from 1 April 2023.
 - (ii) The Manager's fees are payable at the rate of £350 per annum per flat.
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The application

1. This is an application made by the tribunal appointed manager seeking a variation of the Management Order dated 19 March 2023 appointing Ms Rosnowska as Manager for a period of two years from 1 March 2021. The applicant seeks (i) an extension of her appointment for a further period of three years and (ii) an increase of her fees from £250 to £350 per flat per annum.

The background

2. On 19 March 2021 the tribunal made a Management Order appointing Ms Rosnowska as the Manager of the subject premises at Meadow Court, Whitton Dene, Whitton, Hounslow TW3 7JP ('the premises'), see *ref LON/00BD/LAM/2020/2021*. The premises comprise a small block of six flats, the lessees of which are also shareholders and directors in the respondent freehold company.

The hearing

3. An oral face to face hearing was held at which the applicant represented herself. The following lessees and shareholders of the respondent company also attended:

Mr Chris Wright:	Flat 1
Ms Feven Ghirmai :	Flat 2
Mr Hitesh Dhokia:	Flat 3
Mr Denis Gilgallon:	Flat 5

4. The tribunal were informed that Ms Finn, the new leaseholder and shareholder of Flat 6 had variously informed the parties that she did/did not or was undecided about the application and was not present at the hearing.

5. The tribunal was provided with a bundle of 32 electronic pages by the applicant. Neither the respondent or any of the leases provided any written or documentary evidence on which they relied. However, the tribunal heard oral evidence from all of the parties present at the hearing. Of these, Mr Gilgallon and Mr Dhokia supported the application. Mr Wright and Ms Ghirmai objected to the application.

The tribunal's decision

6. The tribunal varies the Management Order dated 19 March 2021 and appoints Joanna Rosnowska as the Manager of the subject premises until for a further period of two years from 1 April 2023. The tribunal also varies the provision for Ms Rosnowska's fees and increases these to £350 per flat per annum.

The tribunal's reasons

7. In reaching its decision the tribunal had regard to section 24(9) of the Landlord and Tenant Act 1987 which states:

The appropriate tribunal may, on the application of any person interested, vary or discharge (whether conditionally or unconditionally) an order made under this section; and if the order has been protected by an entry registered under the Land Charges Act 1972 or the Land Registration Act 2002, the tribunal may by order direct that the entry shall be cancelled.

And section 24(9B)

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.

8. Having considered the tribunal's decision to appoint a Manager and having heard the oral evidence of the shareholder lessees, the tribunal is satisfied the lessees in their capacity as shareholders and/or directors of the respondent freeholder, continue to be unable to work together for the proper management of the premises and are unable to agree on the nature and extent of the services, their cost or the identity of the provider.

9. The tribunal found challenges to Ms Rosnowska's authority by two lessees, Mr Wright and Ms Ghirmair had led to a level of animosity which unfortunately extended to their being excluded from certain communications by Ms Rosnowska, including her intention to make this application. The tribunal also finds that Ms Ghirmair has expressed her dissatisfaction to Ms Rosnowska in respect of the level of cleaning at the premises, the lighting and the lack of a soft closing device on the heavy front entrance door as well as the lack of attention to the garages. However, no or no satisfactory response has been forthcoming.
10. Mr Wright expressed his dissatisfaction with certain matters pre-dating Ms Rosnowska's appointment as well as the treatment of the garages which he asserted contained asbestos which had been unnecessarily disturbed and the installation of a cover over the back step to prevent pigeon and bird mess landing on it.
11. Mr Gilgallon and Mr Dhokia however, both stated that the premises had been well managed by Ms Rosnowska having experience the departure of several managing agents before her due to the tensions arising between them and some of the lessees.
12. In making the order to vary the Management Order, the tribunal finds the unsatisfactory situation that led to its making will reoccur and that, in all the circumstances it is just and convenient to make the variations sought. The tribunal does not consider the increase in fees to be excessive and considers the increased fees to be relatively modest for the nature of the building and the difficulties presented in its management.
13. However, the tribunal considers the respondent and the lessees should work together to prepare themselves for the ending of the Management Order and considers a two year period is sufficient for these purposes. In limiting the variation to two years, the tribunal takes into account no major works are planned by Ms Rosnowska or will be interrupted by the coming to an end of her appointment.
14. The tribunal emphasises the importance of Ms Rosnowska demonstrating an open, transparent and inclusive approach during the remainder of her term of appointment and one that must include all lessees at all times, regardless of the challenges they may make to her decisions as Manager. Additionally the tribunal would like to see Ms Rosnowska to proactively work to build a workable relationship between the parties prior to the cessation of her term.
15. In conclusion, the tribunal varies the Management Order as follows:

- (i) The Management Order dated 19 March 2021 will continue for a period of two years from 1 April 2023.
- (ii) Provision for the fees of the Manager increases to £350 per annum per flat with effect from 1 April 2023.

Name: Judge Tagliavini

Date: 8 September 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 should be made on Form RP PTA available at <https://www.gov.uk/government/publications/form-rp-pta-application-for-permission-to-appeal-a-decision-to-the-upper-tribunal-lands-chamber>

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).