



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

**Case reference** : **LON/00BD/LVM/2023/0011**

**HMCTS** : **Face-to-face Hearing**

**Property** : **Cambridge Court, Clevedon Road,  
Twickenham, TW1 2HT**

**Applicants** : **Tim & Sheila Harvey (Flat 2)  
Shaffin Jaffar (Flat 4)**

**Representative** : **Shaffin Jaffar**

**Respondent** : **Iain.S. Rowlandson,  
Terence S.Rowlandson,  
Neil J.Rowlandson,  
Peter R.S. Rowlandson  
(trading as Rowlandson Estate)**

**Representative** : **Wallakers (Robert Heald)**

**Interested Parties** : **Clare Buckle (Flat 5B)  
Mountview Estates Ltd (Flat 6A)  
Peregrine Allen and Alexandra Louise  
Allen (Flat 6B)**

**Representative** : **(No appearance)**

**Manager** : **James Pickering MRICS MIRPM  
(Aspect Property Management)**

**Type of application** : **Appointment of Manager**

**Tribunal members** : **Judge Robert Latham  
Sarah Phillips MRICS**

**Date and Venue of  
Hearing** : **12 October 2023 at  
10 Alfred Place, London, WC1E 7LR**

**Date of decision** : **16 October 2023**

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## DECISION

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### Decisions of the Tribunal

- (1) The Tribunal extends the Management Order which was made on 30 March 2012 until 23 March 2028 on the terms of the order annexed hereto.
- (2) The Tribunal determines that the Manager should charge the tribunal fees of £300 through the service charge account and refund the sum to the Applicants.

### The Application

1. Since 30 March 2012, Cambridge Court, Clevedon Road, Twickenham, TW1 2HT ("the Property") has been subject to a management order made by this Tribunal. The Property was initially managed by Mr Michael Lee BSc (Hons) MRICS. Since 23 March 2015, it has been managed by Mr James Pickering, MRICS, MIRPM.
2. The Property is a substantial Victorian house which initially had six flats. Two flats have now been subdivided. The Property is owned by Messrs. Iain S.Rowlandson, Terence S.Rowlandson, Neil J.Rowlandson, and Peter R.S.Rowlandson who trade under the name "Rowlandson Estate".
3. The eight flats are held as follows:
  - (i) Flat 1: This is a four bedroom ground floor flat in the possession of the Rowlandson Estate. It is occupied by a Rent Act Protected tenant.
  - (ii) Flat 2: This is a four bedroom ground floor flat. The leaseholders are Tim and Sheila Harvey.
  - (iii) Flat 3: This is a four bedroom first floor flat in the possession of the Rowlandson Estate. It is occupied by a Rent Act Protected tenant.
  - (iv) Flat 4: This is a four bedroom first floor flat. The leaseholder is Shaffin Jaffar.
  - (v) Flat 5A: This is a one bedroom second floor flat in the possession of the Rowlandson Estate. It is occupied by a Rent Act Protected tenant.
  - (vi) Flat 5B: This is a one bedroom second floor flat. The leaseholder is Claire Buckle who rents out her flat.

(vii) Flat 6A: This is a one bedroom second floor flat. The leaseholder is Mountview Estates Limited. It is occupied by a Rent Act Protected tenant.

(viii) Flat 6B: This is a one bedroom second floor flat. The leaseholders are Peregrine Allen and Alexandra Louise Allen. They live in France and rent out their flat.

4. On 8 June 2023, the Applicants applied for the Management Order to be varied by extending it for a further period of 5 years. The Applicants consider that Mr Pickering's appointment has been a success. They have concerns about the management of the property being returned to the Respondent. An extension is sought to ensure the continued good management of the Property.
5. On 28 June 2023, the Tribunal gave Directions and extended the order pending this determination. On 28 June, the Tribunal sent the Directions to the parties. The Tribunal sent the Respondents the Directions "care of Wallakers". The Respondents have not provided the Applicants with an address for service as required by section 48 of the Landlord and Tenant Act 1987. The Manager has served all service charge demands on the Respondents "care of Wallakers" and these have been paid.

### **The Hearing**

6. Mr Shaffin Jaffar appeared in person. He was accompanied by his wife, Ms Jyoti Chandarana.
7. There was no appearance from either the Respondents or any of the interested parties.
8. Mr Pickering attended the hearing. He provided a statement describing his involvement in the management of the Property. During his appointment, Mr Pickering has refurbished the common parts. In 2021, a programme of external repairs and decorations was executed. In 2021, a heat and smoke detection system was installed. In the current financial year, the front doors to the flats have been upgraded. When the management order was made, the Property was tired and neglected. It has now been brought up to a standard that reflects the age and character of this desirable location. Each year, Mr Pickering agrees a budget with the lessees.
9. At the beginning of the hearing, the Tribunal clarified the status of the parties to this application.

(i) Mr Tim Harvey is a joint tenant with his wife, Sheila. She agreed to be joined as an applicant.

(ii) The Respondents are Messrs Iain. S. Rowlandson, Terence S. Rowlandson, Neil J. Rowlandson, and Peter R.S. Rowlandson. They trade as “Rowlandson Estate”. They have taken no interest in the Property. Their interests have been represented by Wallakers who used to manage the Property.

(iii) Clare Buckle (Flat 5B), Mountview Estates Ltd (Flat 6A), Peregrine Allen and Alexandra Louise Allen (Flat 6B) are Interested Parties.

(iv) Mr James Pickering, as Manager, is independent of any of the parties.

### **The Law**

10. An application to extend the appointment of a manager takes effect as a variation of the current Order. Section 24(9) of the Landlord and Tenant Act 1987, provides: "the appropriate tribunal may, on the application of any person interested, vary or discharge (whether conditionally or unconditionally) an order made under this section ... "

11. Part II of the Act is a “problem solving jurisdiction” (see *Chuan-Hui v K Group Holdings Inc* [2021] EWCA Civ 403; [2021] 1 WLR 5981 per Henderson LJ at [29]). In *Kol v Bowring* [2015] UKUT 530 (LC), HHJ Gerald noted at [22] that the purpose of appointing a manager is to:

“...enable that property to be managed subject to the control of the tribunal in circumstances where the landlords’ management or discharge of its obligations under the provisions of the lease have been found wanting. Looking at matters very broadly, the whole purpose of the jurisdiction is to enable the F-tT to ensure that what has hitherto been done inadequately and perhaps improperly is done adequately and properly”.

### **Our Determination**

12. We are satisfied that the Property was tired and neglected when the Management Order was made on 30 March 2012. In their decision of 30 March 2012, the Tribunal set out their concerns as to how the Property had been managed. The Applicants are pleased with the manner in which Mr Pickering is now managing the Property. The Respondents seem content for Mr Pickering to continue in his current role. Mr Jaffar stated that Ms Buckle supported the application. No alternative proposals have been made for the management of the Property.

13. This is the only Property that Mr Pickering has managed pursuant to an appointment by this Tribunal. However, it is apparent that his appointment has been a success.

14. The Tribunal would normally only extend a management order for a further term of five years in exceptional circumstances. However, the management order is working. Mr Pickering's charges are reasonable. We are therefore satisfied that it is just and convenient to extend the management order for a further period of five years.
15. The Tribunal discussed the alternative options open to the lessees, namely an application for the statutory Right to Manage or to acquire the freehold. The Applicants should keep these options under review. An alternative option would be for the Respondents to appoint Aspect Property Management to manage the Property. This would avoid the need for Mr Pickering to report, and account, to this Tribunal.
16. The Applicants have paid tribunal fees of £300. We are satisfied that these should be passed on to all the lessees through the service charge. Mr Pickering should refund this sum to the Applicants.
17. The Tribunal will serve a copy of this decision on the parties by email. The Respondents will be served by emailing it to Wallakers, their agent. If any party wishes to make any written representations as to the terms of the management order which we have made, they may do so by applying to the Tribunal by no later than 10 November 2023.

**Judge Robert Latham**  
**16 October 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).