



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

Case reference : LON/00AN/LVM/2024/0002

Property : 112 Askew Road, London W12 9BL

Applicant: Ms Joanna Roznowska

Respondents: Mr Sunil Patani, Mr Vas Hava, Mr Alex Gordon & Ms Crespo, Mr Ashish Patani

Type of application : Appointment of Manager/ Variation

Tribunal members: Judge Shepherd

Sarah Redmond MRICS

Date of decision: 19 August 2024

DECISION

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1. The applicant seeks an order extending her appointment as manager under section 24 of the Landlord and Tenant Act 1987 (the “Act”). Her appointment notionally expired on 31st May 2024. She was appointed following allegations that the landlord was in breach of his obligations under the lease (see decision **LON/00AN/LAM/2020/0013**).

Description of the premises

2. We happily adopt the description given in the previous decision.112 Askew Road is in a mixed commercial / residential area. Askew Road is a B road and bus route connecting two A roads, the Uxbridge Road and Goldhawk Road. The property itself is a Victorian mid- terrace building on lower ground , ground floor, two upper floors and attic level. Entrance to the commercial element (the restaurant which is leased) is in the centre of the front facade. Entrance to flats A and B and communal hallway is to the right of the property but signage indicates “ A , B and C “The two upper flats (flat A on the first floor on the second and attic floor) are let on long leases. The property is of rendered brickwork on the first and second floors which have curved bay sash windows. The roof has not been sighted. Entrance to flat C is more usually from the rear of the building but there is also a rear door providing access and egress to the communal hallway and building in general. Apparently, there is key access to this door. From the communal hallway on the ground floor, there is a door at the rear to the restaurant’s kitchen. There is a door to the storage at lower ground floor level and a staircase to the upper flats. At the rear exterior of the property are shared “ yard “ facilities. There is a single storey structure attached to and adjoining the main building. This had previously served as a stock / storeroom before its use as residential accommodation.
3. The previous Tribunal made an order granting management to the Applicant of both the commercial and residential accommodation. This is the order she seeks to extend. The application was made before the expiry of her appointment as is required under the legislation to avoid control reverting to the Landlord.

The law

4. The appointment of a manager under the Landlord and Tenant Act 1987, Pt II allows tenants a recourse against a failing landlord. This is a fault based remedy (see s.24(2) of the Act) where fault based grounds are made out and it is just and convenient to appoint a manager. The manager is an officer of the Tribunal: *Maunder Taylor v Blaquiere* [2002] EWCA Civ 1633 who is required to be autonomous and independent. There is a power to extend a fixed term order under s.24(9) of the Act on an application by an interested

party and the Tribunal can make such a variation without reconsidering the fault based “threshold “ criteria in s.24(2) : see *Orchard Court Residents Association v St Anthony’s Homes Limited* [2003] EWCA Civ 1049.

The hearing

5. The Applicant explained the work that she had carried out in the last three years. She said that she had faced obstacles because the landlord would not accept her as the manager. There had been difficulties in arranging the building insurance particularly. The building had been under insured but was now covered. She said there was still a lot of work to be done including, fire safety works and external decorations and repairs. The tenants had done their own internal decorations. She had brought the property up to standard in terms of health and safety requirements. The problem of limited funds remained. The landlord owed service charges and there was no reserve fund under the lease. She wanted to appoint a surveyor to carry out a full survey of the premises. The works had been delayed because there had been a huge increase in insurance contributions and she did not want to burden the leaseholders with additional costs immediately. Her management fee had increased to a more realistic level of £400 plus vat.

6. The Applicant already manages four properties on behalf of the Tribunal. There are larger blocks than this one which offer economies of scale. The landlord had made demands for ground rent which were being resolved.

7. The Respondent, landlord opposed the extension of the appointment. He said that costs could be kept down as the premises did not need management. He said the Applicant slated their name at every opportunity. None of the works had started and he could run the building a lot more cheaply for the leaseholders. There were no urgent issues to be dealt with.

8. After the hearing the Applicant was asked to provide the following:
 - The report to the Tribunal which was filed in June 2022.
 - The Fire Risk Assessment that had been carried out.
 - An estimate for carrying out the recommended works contained in the Fire Risk Assessment.
 - The addresses of other properties that the Applicant manages on behalf of the Tribunal.

9. She responded promptly with the following information:

- No report was filed in June 2022 as she was concentrating on her application to extend.
- The updated fire risk assessment and estimates were provided which showed work required costing £6674 plus VAT.
- She manages the following properties on behalf of the Tribunal:
 1. LON/00BJ/LAM/2022/0014
741-743 Garrett Lane, Earlsfield, London, SW17 0PD
 2. LON/00BD/LAM/2020/2021 and LON/00BD/LVM/2023/0007
Meadow Court, Whitton Dene, Whitton, Hounslow, TW3 2JP
 3. LON/00AN/LAM/2019/0030 and LON/00AN/LVM/2023/0003
384 Uxbridge Road, London W12 7LL
 4. LON/00AN/LAM/2018/0008 and LON/00AN/LVM/2020/0013
127 Coningham Road, London W12 8BU

Determination

10. We were impressed by the Applicant's drive and she is clearly popular with the leaseholder's other than the Respondent. She clearly wants to make a difference but has been hampered by a lack of cooperation from the landlord and a lack of funds. It is in the landlord's interest to cooperate with her as it will improve the standard of the building. We were not impressed by his entrenched attitude. He offered no real alternative to the extension.
11. We do however think that progress has to be made in relation to the proposed works at the premises. We consider that her tenure should be extended for two years. The fire safety works must be given priority and we would require a progress report on the works after one year. We allow an increase in her fee to £400 plus vat. These changes have been incorporated into the management order below.

Decision of the tribunal

12. In accordance with section 24(9) Landlord and Tenant Act 1987 Ms Roznowska of Safe Property Management ('the Manager') is to continue her appointment as manager of the property at 112 Askew Road ('the Property'). The order extends to Flat A, Flat B and Flat C and the commercial premises. The order shall continue for a period of 2 years from 1st September 2024. Any application for an extension must be made prior to the expiry of that period. If such an application is made in time, then the appointment will continue until that application has been finally determined.
13. The Manager shall manage the Property in accordance with: (a) The directions and schedule of functions and services attached to the order made by Judge Carr dated 18th May 2021 as amended; (b) The respective obligations of the landlord and the leases by which the flats at the Property are demised by the Respondent and in particular with regard to repair, decoration, provision of services and insurance of the Property; and (c) The duties of a manager set out in the Service Charge Residential Management Code ('the Code') or such other replacement code published by the Royal Institution of Chartered Surveyors and approved by the Secretary of State pursuant to section 87 Leasehold Reform Housing and Urban Development Act 1993.
14. The Manager shall provide a progress report to the Tribunal by 4pm on 1st September 2025.
15. The Manager shall register the order against the landlord's registered title as a restriction under the Land Registration Act 2002, or any subsequent Act. An order shall be made under section 20C Landlord and Tenant Act 1985 that the applicants' costs before the tribunal shall not be added to the service charges.

Judge Shepherd

19th August 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 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).