



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

Case reference : **LON/00AX/LAM/2024/0022**

Property : **Gayton Court, Wickham Close, New Malden, Surrey KT3 6AN**

Applicant : **Saad Hindosh**

Respondent : **Gayton Court Freehold Ltd**

Type of application : **Appointment of Manager**

Tribunal : **Judge Nicol
Mr SF Mason BSc FRICS
Mr CS Piarroux**

Date and Venue of Hearing : **21st October 2024;
10 Alfred Place, London WC1E 7LR**

Date of decision : **22nd October 2024**

DECISION

The application for the appointment of a manager is dismissed.

Reasons

1. The Applicant is a joint lessee of one of 5 flats, Flat 1, in one of 3 blocks, Block 1, at the subject property, Gayton Court, Wickham Close, New Malden, Surrey KT3 6AN. The Respondent is the lessee-owned freeholder of the building.
2. The Applicant seeks for himself to be appointed as manager under section 24 of the Landlord and Tenant Act 1987.
3. The Tribunal issued directions on 26th June 2024 in accordance with which the Applicant has provided a bundle of 222 pages. The Respondent also submitted a bundle in accordance with the directions but, for

reasons unknown, it was not available to the Tribunal members at the hearing. In the event, it was possible to reach a decision without it.

4. The Tribunal inspected the property on the morning of 21st October 2024 and the hearing commenced later that day. The attendees were, both at the inspection and at the hearing:
 - (a) The Applicant; and
 - (b) Mr Joe Narcisi, the lessee of Flat 9 and a director of the Respondent.
5. Unfortunately, there was a fundamental flaw with the application. The Applicant has nominated himself to be the manager but:
 - (a) He is in serious conflict with some of his fellow lessees, including making allegations of assault and defamation. He told the Tribunal that the other lessees in Block 1 used to support him. Mr Narcisi claimed to have their support now. The Applicant said he did not understand why but, by implication, accepted that they no longer supported him. The Tribunal's appointed manager would have to be able to work co-operatively with the Respondent and other lessees in relation to communal issues but, irrespective of who may be at fault for the situation, the Applicant's relationships with them is so poor that it would be a severe hindrance to proper management.
 - (b) He is an architect who has no experience of residential property management other than in relation to the subject property. He emphasised that he cared deeply about the property since his mother lives in Flat 1 and his aunt in another flat in Block 2. The Tribunal accepts that he is strongly motivated and has put in a lot of work in managing the property over many years but that does not make up for a lack of knowledge, qualifications or experience in residential property management more generally.
 - (c) While he has professional indemnity insurance, that is for his role as an architect, not as a residential building manager.
6. The Tribunal has to be satisfied that their appointee would be suitable in the role. It is clear that, whatever his other attributes, the Applicant would not. As if to emphasise his lack of knowledge and understanding of the role, he purported to comply with the Tribunal's direction for a management plan by producing, not a plan of the work he was intending to do, but a diagram or map delineating Block 1 from the other two blocks.
7. Therefore, the Tribunal was faced with an application for which there was no proposal for a suitable appointee as manager. The Tribunal invited representations from both parties as to the way forward.
8. The Applicant suggested that the Tribunal should issue further directions to allow him to find and nominate an alternative manager. However, it was clear that he did this reluctantly, in the face of the Tribunal raising their concerns with him. He said that he would likely sell up within one or two years of the appointment of a manager because he is convinced that no-one would be likely to manage the property to his

satisfaction. He said he had spoken to a local firm, Grace Miller, who had a spell as the managing agents of the property in the past, and said they would be willing to manage in the future but that is not the same as willing to be the Tribunal's appointee. It is not clear when, if ever, the Applicant would be able to find someone he could propose. It would be difficult for the Tribunal to set a realistic timetable before that happened.

9. Alternatively, the Tribunal could dismiss the application. This would not prevent the Applicant bringing a similar application in future, if and when he found a suitable appointee. This is the course of action Mr Narcisi urged on the Tribunal. He said he had taken on sole management of Blocks 1 and 2 since February 2024 when the Applicant said he had had enough and walked away (the lessees of Block 3 have incorporated their own company which manages their block independently although it is not clear what legal authority they have to do so).
10. Mr Narcisi had limited funds available but held a meeting of the lessees to consider a way forward (the Applicant was invited along with all the other lessees but did not attend). In accordance with the outcome of that meeting, service charges were levied and mostly paid (the Applicant has not paid). Work began with a deep clean of floors and staircases in Blocks 1 and 2. Mr Narcisi claimed that the Applicant prevented the completion of the cleaning in Block 1 by being abusive and violent towards the cleaner but the Tribunal did not reach a conclusion on whether this was true or not. There are further plans to address other long-standing maintenance issues.
11. It was clear from the Tribunal's inspection that there are outstanding issues at the property which require good and active management. However, it is not clear that Mr Narcisi has had enough time to demonstrate that he is capable of managing the property to the requisite standard. It may be that, if the Applicant were to pause his opposition, including by paying his service charges, he may find that Mr Narcisi can achieve the standard he is looking for. In any event, the Tribunal can see an advantage in giving Mr Narcisi at least a little time to prove himself.
12. In the circumstances, the Tribunal has determined that the application has failed for a lack of a suitable proposed appointee and should be dismissed. The Applicant may make a fresh application once he has found an alternative proposed appointee, if that is the way he wishes to go. In the meantime, Mr Narcisi will have more of an opportunity to develop his management of the property so that it should be clearer on any further application whether he could be a genuine alternative to the Tribunal appointing its own manager.

Name: Judge Nicol

Date: 22nd October 2024

RIGHTS OF APPEAL

1. 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.
2. 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.
3. 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.
4. 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.