



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

Case Reference : CHI/00HE/LVM/2024/0004

Property : The Old Foundry, Roseland, Liskeard,
Cornwall, PL14 3PQ

Applicant : Mr & Mrs G Mottram (Flat3)

Representative :

Respondents : Mr Sturrock and Mrs A Glanville (Flat 1)
Mr & Mrs D Martin (Flat 2)

Representative :

Type of Application : Variation of an order appointing a manager-
S.24 Landlord and Tenant Act 1987

**Tribunal
Member(s)** : Regional Judge Whitney

Date of Decision : 5 November 2024

DECISION

1. On 15 May 2024 the Tribunal received an application from Mr and Mrs Mottram of Flat 3 to vary an Order for the Appointment of Manager made on 17 May 2023. The Applicant proposed that an alternative manager is appointed.
2. The current manager, Mr Gerrard, was appointed on 24 May 2021. This appointment was extended in 2023 until 30 June 2025. This application for an extension was made by the Applicant and supported by the then leaseholders.
3. The Applicants referred to the application being made on their own behalf and being supported by the other two leaseholders. The Applicants proposed “Andy” from Plymouth Block Management. No complete details were provided.
4. Directions were issued on 5th July 2024 listing the matter for a hearing on 4th September 2024. In accordance with those directions Mr Gerrard did provide a report. Mr Gerrard invited the Tribunal to release him from his appointment.
5. The leaseholders of the other two flats also supported the removal of Mr Gerrard reluctantly due to what was referred to as a breakdown of communication [102-104].
6. A hearing took place on 4 September 2024. A decision was issued agreeing to the release of Mr Gerrard and providing directions for any party to nominate a new manager by the 31st October 2024.
7. No manager has been nominated by any party.
8. In accordance with the directions dated 4th September 2024 I have considered the application on the papers. Whilst I am satisfied it remains just and convenient for a manager to be appointed currently it appears no one is willing to accept the role. Mr Gerrard had made substantial progress but ultimately all the leaseholders supported his application to be released.
9. The Tribunal will only appoint if a manager is nominated. It does not have a list or access to managers of its own. As a result the application must now be dismissed on the basis that there is no manager to appoint.
10. I would urge the leaseholders to take legal advice. One way or another the situation needs to be resolved so that the Property can be adequately maintained and repaired which must be in the interests of all. As it stands no one appears to have legal responsibility or can be forced to undertake or contribute towards the costs of works. This position is wholly untenable.