



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

Case Reference	:	LON/00AY/LAM/2024/0502
Property	:	25 The Pavement, London SW4 0JA
Applicants	:	Sarah Anne Burke and Larisa Schlotterbeck
Representative	:	Anthony Gold Solicitors - Mr I Mitchell
Respondent	:	Ace of Spades (1) Albion and South (2)
Representative	:	Mr Emmanouil Spanakis
The Manager	:	Mr Peter Cobrin
Tribunal members	:	Judge Dutton Miss M Krisko BSc (Est Man) FRICS
Date of Decision	:	12 February 2025

DECISION

The tribunal determines that it will appoint Mr Peter Cobrin of Westbury Residential Limited to be the appointed manager of the property 25 The Pavement, London SW4 0JA (the Property) for a period of three (3) years from the 24 February 2025 on the terms of the Order annexed hereto .

Background

1. On 10 September 2024 the Applicants applied to the tribunal for an order seeking to appoint Mr Peter Cobrin (Mr Cobrin) as the manager of the Property under the provisions of s24 Landlord and Tenant Act 1987.

2. This followed on from the service of a Notice under s22 of the Act dated 13 February 2024, which was not acted upon by either of the Respondents. The Notice set out in detail the faults of the Landlord.
3. It should be noted that although the Landlords appear as two companies it is the case that Ace of Spades was dissolved in July 2023 and the Property was purportedly transferred to Albion and South Limited in January 2024, although for reasons, which are unclear registration of such transfer has still not been completed. It is to cover this uncertainty that both companies are named. It does appear that Mr Emmanouil Spanakis is the controlling director of both. Indeed, by and email dated 21 January 2025 he indicates his agreement to a management order being made. This is also recorded in a telephone attendance note of Mr Ian Mitchell of Anthony Gold Solicitors dated 25 October 2024.
4. At hearing on 29 January 2025, we had before us a bundle running to some 212 pages comprising the application and statement of case, directions, a draft management order and a report from Mr Cobrin setting out his experience and his intentions. We were also provided with details of the three leases at the Property with their Land Registry details, company searches against the Respondent companies, the s22 Notice, details of the sums the Applicants have spent at the Property and the latest insurance policy, which expired on 23 November 2023. This lack of insurance cover was one of the driving factors behind the application under s24 of the Act.

The Property

5. The Property is a three-storey terraced building with commercial premises at ground floor level and two flats on the two floor above. The commercial premises, we were told, is being used as a café, with the tenant apparently holding over under a lease which expired in October last year. A copy of the lease was provided, and the terms have been noted by us.
6. The flats are held under what would appear to be leases having near identical terms both having been extended to 189 years from 25 March 1982 with no rent payable. It seems that neither Applicant resides at the Property, the flats being sublet.

Hearing

7. We have considered the statement of case submitted by the solicitor for the Applicants, the terms of the s22 Notice, the report of Mr Cobrin, which included an inspection of the Property last week and the photographs he took at that time and the apparent consent to the application by Mr Spanakis.

8. At the hearing we were impressed with Mr Cobrin, who has experience in managing properties generally and in particular mixed-use properties. We considered the terms of the Management Order and indicated that there would be some alterations we would wish to make, and that the Tribunal had produced its own template for the Order that we would wish to consider.
9. It was agreed that the term would be for 3 years and not 5 and that we would consider the managers ability to recover the rent from the commercial premises, whilst they remained occupied. We shall return to this in the decision section.
10. We were also asked to consider granting dispensation from the consultation requirements under s20ZA of the Landlord and Tenant Act 1985 in respect of any works Mr Cobrin considered would be required in the management Order. We declined to do so, as it seems to us that either an application is made in advance of the works, or the works are undertaken and the application made subsequently. To do so without the Applicants or the Landlord having the right to object was inappropriate. We did indicate to Mr Cobrin that given the lack of fire reports and other health and safety issues we considered that such an application for dispensation would be likely granted.
11. We were told that the commercial and residential premises had no common parts between them, the only common parts being the stairways within the residential part.
12. Mr Cobrin said that his immediate concerns were (a) to ensure that the Property was safe within the Fire Regulations and that he would be instructed an Assessor to report as soon as possible. A consultation with the Fire Brigade would also be undertaken. He was concerned that there appeared to be no compartmentalisation, no fire doors and no fire alarms and (b) and that as soon as possible, he would be seeking insurance cover for the Property.

Decision

13. We are satisfied that it is just and convenient to appoint Mr Cobrin on the terms of the attached management order, for a term of three (3) years from 24 February 2025 for a term of 3 years
14. We have considered whether it would be appropriate to give the manager powers to receive and retain the rent of the commercial premises on terms. We consider, in the circumstances of this case that it would be reasonable so to do. Our finding on this issue is that the Landlord has shown scant regard for the wellbeing of the Property or the tenants. There is little in it for him, other than the commercial rent. Even then it would seem that the commercial lessee is holding over, the lease having expired last year. The failure to insure is unforgiveable.

15. The property, from the photographs taken by Mr Cobrin, is in need of refreshment and the usage of the common accessway for storage of such items and a bike, golf clubs and shoes constitute a danger if evacuation was required. The lack of fire safety and protection is concerning.
16. There is a lack of involvement on the part of the Applicants. They did not make any statements in support of their case, nor did they attend the hearing. We were told that they were fully aware of the proposed management terms and in agreement with same. It is clear that for some time they have self-managed, as evidenced by the list of expenditure for 2023 and 2024 but they have sublet their flats.
17. The Order is attached. We have concluded that the use of the Tribunal's preferred Order is a route we should take but we consider we have included all that was sought by Mr Cobrin to enable him to effectively manage the Property. We ask that he provided a report by 1 September 2025 to confirm the progress he has made. He is of course free to make any application before then if further or amended powers are required.

Judge Dutton

Date 12 February 2025