



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

Case reference : **LON/00AH/LAM/2024/0028**

Property : **5 St Peter's Road, Croydon, CR0 1HL**

Applicant : **(1) Claire Strading
(2) Ehousebook Limited**

Representative : **(1) In person for both Applicants
(2) n/a**

Respondent : **(1) Colin Weinberg
(2) Coral Weinberg**

Representative : **Did not attend and was not represented**

Type of application : **Appointment of a manager**

Tribunal member(s) : **Tribunal Judge I Mohabir
Mr S Mason FRICS**

DECISION

Background

1. This is an application made by the Applicants under section 24 of the Landlord and Tenant Act (as amended) (“the Act”) for an order in respect of 5 St Peter’s Road, Croydon, CRO 1HL (“the property”).
2. The property is comprised of 4 long leasehold flats in a converted Victorian house. The Applicants are the two of the leaseholders joined in the application. The Respondents are the freeholders of the property.
3. In 1985, the Respondents granted leases which are now held by the following:
 - (a) Ms Stradling is the tenant of Flat D which is a one-bedroom flat on the second floor. On 23 September 2003, she acquired the lease.
 - (b) Ehousebook is the tenant of Flat C which is a one-bedroom flat on the first floor. On 9 December 2019, it acquired the lease on 7 January 2020.
 - (c) Vivid Solutions are the tenant of Flat B which is a two-bedroom flat on the ground floor. They acquired the leasehold interest at an auction in 2019. They are not a party to this application.
 - (d) Flat A is a two-bedroom flat on the lower ground floor. The tenant is Ms Sara Weinberg, the Respondents daughter.
4. This is in fact the second application made by the Applicants for the appointment of a manager. The earlier application was dismissed by the Tribunal in its decision dated 3 August 2023 on the basis that it was not just and convenient to do so. It should be noted that there are parallel proceedings in the County Court at Central London for a claim brought by the First Applicant against the Respondents for disrepair, which has been met with a counterclaim by them for her service charge arrears. The Tribunal was informed that the final hearing for this case is listed in June 2025.
5. In broad terms, the various alleged historic management failures complained of by the Applicants on the part of the Respondent, and repeated again here, are:
 - (a) breach of their repairing obligations.
 - (b) making unreasonable service charge demands.
 - (c) breaches of the management code of practice under section 87 of the Leasehold Reform, Housing and Urban Development Act 1993.
6. For reasons that will become apparent, it is not necessary to set these out in any detail.

The Law

7. Section 24 of the Landlord and Tenant Act 1987 provides:

"(1) A leasehold valuation tribunal may, on an application for an order under this section, by order appoint a manager to carry out, in relation to any premises to which this Part applies-

- (a) such functions in connection with the management of the premises, or*
- (b) such functions of a receiver, or both, as the Tribunal thinks fit.*

(2) A leasehold valuation tribunal may only make an order under this section in the following circumstances, namely-

(a) where the tribunal is satisfied-

- (i) that any relevant person either is in breach of any obligation owed by him to the tenant under his tenancy and relating to the management of the premises in question or any part of them...*
- (ii) ...*
- (iii) that it is just and convenient to make the order in all the circumstances of the case;*

(ab) where the tribunal is satisfied-

- (i) that unreasonable service charges have been made, or are proposed or likely to be made; and*
- (ii) that it is just and convenient to make the order in all the circumstances of the case;*

(aba)...

(abb)...

(ac) where the tribunal is satisfied-

- (i) where any relevant person has failed to comply with any relevant provision of a code of practice approved by the Secretary of State under section 87 of the Leasehold Reform, Housing and Urban Development Act 1993 (codes of management practice), and*
- (ii) that it is just and convenient to make the order in all the circumstances of the case;*

(b) where the tribunal is satisfied that other circumstances exist which make it just and convenient for the order to be made.

Hearing

8. The hearing took place on 20 January 2025. The First Applicant appeared in person on behalf of both Applicants. The Respondents did not attend and were not represented.

9. However, by a letter 8 November 2024, the Respondents confirmed that they had no objection to the Applicants' proposed manager, Mr Cleaver, being appointed. In other words, they did not oppose the application.
10. It follows that it was not necessary for the Tribunal to make any findings in relation to the various management failures alleged by the Applicants. On the basis that the application was not opposed by the Respondents, the Tribunal was satisfied that it was just and convenient to appoint a manager.
11. The only issue for the Tribunal to decide was whether Mr Cleaver was suitable to be appointed as the manager. The Tribunal then heard oral evidence from Mr Cleaver about his knowledge and experience of being a manager. He had prepared a detailed management plan for the property and a witness statement setting out his professional qualifications and experience of being a manager. This was supported by the relevant disclosure in appendices A-H to his witness statement. These documents are found at pages 119-265 in the hearing bundle.
12. Having done so, the Tribunal was satisfied that Mr Cleaver should be appointed as the manager for the property for the following main reasons:
 - (a) he possessed the relevant professional qualifications and experience. In particular, Mr Cleaver confirmed that he currently had been appointed by the Tribunal as the manager for 8 or 9 other properties. Moreover, he also confirmed that he had managed to successfully manage the properties, some of which also had troubled history like this property.
 - (b) he had already carried out an inspection of the property.
 - (c) in relation to the alleged disrepair, he was going to instruct a Surveyor promptly to carry out a survey of the property to ascertain what repairs were needed.
 - (d) he was aware that the last service charge accounts that had been prepared was in 2021.
 - (e) as to the collection of any outstanding and estimated service charges, Mr Cleaver confirmed that he routinely instructed a firm of solicitors to pursue these and that the cost of doing so was met when these monies had been recovered. The relevance of this was that the management of the property would not be frustrated by a lack of funds by the manager.
 - (f) Mr Cleaver struck the Tribunal as a person who would be able to effectively manage the relationships between the Respondent and other leaseholders in the property.

13. Accordingly, the Tribunal appointed Mr Cleaver as the manager of the property for a term of 3 years from the date of this decision. The terms of his appointment are set out in the management order annexed to this decision.

Name: Tribunal Judge I Mohabir **Date:** 4 March 2025

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).