



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

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| <b>Case Reference</b>      | : | HAV/24UG/LVM/2025/0001   |
| <b>Property</b>            | : | Providence House, Bartley Way, Hook,<br>Hampshire, RG27 9FG  |
| <b>Applicants</b>          | : | Myles Simpson (Flat 6)<br>Selena Coburn (Flat 17)<br>Mark Easto (Flat 24)<br>Andrew Adamson (Flat 57)  |
| <b>Representative</b>      | : | Setfords Solicitors  |
| <b>Respondent</b>          | : | Bartley Way Limited (in receivership)<br>through its receivers, Georgina Marie<br>Eason and Michael Colin John Sanders of<br>MHA Financial Solutions Limited |
| <b>Representative</b>      | : | Brecher LLP  |
| <b>Manager</b>             | : | Mr Michael Jacobs  |
| <b>Type of Application</b> | : | Variation of appointment of a manager –<br>Section 24 Landlord and Tenant Act 1987   |
| <b>Tribunal members</b>    | : | Judge J Dobson   |
| <b>Date of Order</b>       | : | 8 <sup>th</sup> July 2025  |

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**DECISION**

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## **Summary of Decision**

1. The Tribunal determines that the Management Order dated 7<sup>th</sup> December 2023 be varied as follows:
  - i) The period of the appointment is extended to 31<sup>st</sup> March 2026.

## **Background**

2. On 7<sup>th</sup> December 2023 the Tribunal by an Order (“the December 2023 Order”) appointed Mr Michael Jacobs as manager of the property Providence House, Bartley Way, Hook, Hampshire, RG27 9FG (“the Property”) for a term ending on 31<sup>st</sup> March 2025.
3. The Tribunal had previously appointed Mr James Farrow as the Manager (termed “The Old Manager” in the December 2023 Order), having found in a Decision dated 22<sup>nd</sup> July 2021 that a basis for such an order was made out and that it was just and convenient for the order to be made. The original appointment would have ended on 30<sup>th</sup> June 2024 pursuant to the original Order, which unusually and in the particular circumstances pre- dated the Decision and was dated June 2021. The applicants in the proceedings which concluded with the December 2023 Order, who included some of the Applicants in these proceedings, applied for an extension of the management Order for a further period, together with seeking a change of manager.
4. The reasons for the decision to appoint a manager and for the subsequent variation are explained in the Decisions of 22<sup>nd</sup> July 2021 and 7<sup>th</sup> December 2023 respectively and do not require to be repeated here.
5. It was said in the December 2023 Order that any application to renew must be made by 31<sup>st</sup> January 2025. An application was made for the Order to be varied, originally seeking a variation by way of extending it until 31 March 2028, so for an additional 3 years. It was asserted that some 40 other lessees supported the application.
6. Initial Directions were given dated 20<sup>th</sup> February 2025 in which provision was made towards ensuring that all relevant parties were aware of the application and hence the Tribunal could be clear whether the application is agreed by all or was not and could give further directions accordingly. There were subsequent Directions dated 20<sup>th</sup> March 2025 also somewhat dealing with the mechanics of matters and clarification of the level of opposition to the appointment continuing so that consideration could be given to the preparation of cases accordingly.
7. It was identified that the receivers/ liquidators of the Respondent company would agree an extension of 1 year but not longer.

8. Additional Directions were given on 10<sup>th</sup> June 2025, including listing a case management and dispute resolution hearing on 1<sup>st</sup> July 2025. The parties were invited to agree other directions appropriate. The Directions noted that, at that time, there was a dispute as to the term of any extension of the December 2023 Order.
9. The Applicants subsequently indicated agreement to an extension of 1 year to 31<sup>st</sup> March 2026, on the basis of being able to apply for an additional extension in due course if then considered appropriate. That was set out in correspondence to the Tribunal dated 24<sup>th</sup> June 2025. It was said that that Applicants had met with the receivers of the Respondent. The Tribunal was asked to vacate the hearing. The representatives of the Respondent wrote by a further letter of the same date agreeing. There was to be no order in respect of any costs.
10. The Tribunal further noted that the existing management order would expire prior to the determination of this application with considerable difficulties and inconvenience caused. The Tribunal therefore also addressed that issue by extending the December 2023 Order on an interim basis until a final determination was made in these proceedings. A Management Order has therefore continued in force.
11. The Tribunal considered that this application was likely to be suitable for determination on the papers, not least given that matters in respect of the appointment of the manager for the Property have been extensively ventilated previously and the Tribunal will not re-visit any such matters but rather will consider the approach to take to any continuation of the order. The parties have not sought any different approach.
12. By Directions dated 27<sup>th</sup> June 2025 and in light of the agreement between the parties, I vacated the case management hearing and confirmed that the would consider whether to vary the Order appointing the Manager on the papers as soon as practicable and provide written Decision, together if appropriate with a varied Appointment of Manager Order.
13. No objection having been received to the application being determined on paper and there being no reason now identified by the Tribunal that a hearing is required, this is the decision determining the application on the papers provided by the parties in the proceedings.

### **The Law**

14. The applicable law is as follows:

#### **Landlord and Tenant Act 1987 section 24**

(9) The appropriate tribunal may, on the application of any person interested, vary or discharge (whether conditionally or unconditionally) an order made under this section; and if the order has been protected by an

entry registered under the Land Charges Act 1972 or the Land Registration Act 1925, the tribunal may by order direct that the entry shall be cancelled.

(9A) the tribunal shall not vary or discharge an order under subsection (9) on the application of any relevant person unless it is satisfied—

- (a) that the variation or discharge of the order will not result in a recurrence of the circumstances which led to the order being made, and
- (b) That it is just and convenient in all the circumstances of the case to vary or discharge the order.

(10) An order made under this section shall not be discharged by a leasehold valuation tribunal by reason only that, by virtue of section 21(3), the premises in respect of which the order was made have ceased to be premises to which this Part applies.

(11) References in this Part to the management of any premises include references to the repair, maintenance or insurance of those premises.

15. I do not consider it necessary to set out any case authorities. None have been referred to by the parties and I do not consider any affect the outcome of these proceedings specifically. Nevertheless, I apply the relevant law.

### **Consideration**

16. The question firstly whether it is just and convenient in all the circumstances of the case to vary. Assuming so, the next question to be answered is the extent of the variation, in particular the length of any extension.
17. I understood that Mr Jacob is said to be happy to continue as the Manager. I have received nothing from him to suggest he opposes an extension until 31<sup>st</sup> March 2026 and would require a longer period at this time. I understand from information received in the proceedings that progress has been made, albeit not all issues have been entirely resolved.
18. It is very useful for the Manager's appointment to have the support of both sides and as many others interested in the outcome as practicable. Whilst it is not impossible to manage in the face of strong opposition and indeed it is a feature of appointment by the Tribunal that sometimes that is a necessity, it is preferable and more likely to achieve success for the appointment to be agreed. That includes the length of the appointment.
19. I am satisfied both that the variation or discharge of the order will not result in a recurrence of the circumstances which led to the order being made (which would be rather more relevant to an application to discharge the December 2023 Order than it is to an application to extend the term of the Order), and further that it is just and convenient in all the

circumstances of the case to vary the order. The fact that, despite progress, issues remain to be addressed is particularly relevant.

20. As to the appropriateness of 1 additional year or any other given period, there is plainly no merit in the extension being too short such that it is not practical or cost- effective to manage for the additional period. I am content that an additional year does not fall foul of that. An appointment for only 1 year from the outset, in contrast, would not be likely to be suitable.
21. I am also mindful that the original Order was made back in mid- 2021. In the usual course, a term of 3 years is the most which will commonly be granted at the current time by a Tribunal- historically appointments were often for longer and sometimes were indefinite but in more recent years there has tended to be focus on tackling the specific purposes for which the appointment of a manager is required, enabling other arrangements to be made within that period where appropriate but not interfering with property rights for a longer time.
22. By 31<sup>st</sup> March 2026, the Order in one form or another will have been in place for approaching 5 years. Whilst matters may have got off to an imperfect start and whilst the Property is one which suffered from a number of problems identified in the previous Decisions, some care is required in determining whether an extension taking the Order to a life beyond 5 years is appropriate.
23. In light of the position in this case and in light of wider considerations, I am content both that an extension of the terms in the December 2023 Order for a further year is appropriate to enable Mr Jacobs to continue to manage the Property and makes further progress with outstanding matters but also to facilitate anything which might occur in respect of ownership of the Property in the meantime or other developments. I in no way seek to pre- judge whether it may be appropriate for there to be a further extension for any given period, which will, all else aside, require consideration in due course and in the event that an application is made setting out contended reasons for such an extension.
24. I note that the December 2023 Order reflects to an extent the change of Manager, in addition to updating terms to the then current form of Order as compared to the earlier one. Some of that is no longer relevant and so it is appropriate to vary terms to better reflect the up-to-date position, without altering the substantive parts. The ability to ply for an extension is retained if contended to be appropriate.
25. There are rarely costs orders as between the parties in proceedings before this Tribunal, although more commonly there are orders disallowing recovery of costs and there are in any event determinations made as to whether any fees for the proceedings may be recovered. I see no reason to go beyond the agreement I am told has been reached by the parties, which

I consider to be a sensible approach in the circumstances and outcome of this case.

### **Decision**

26. The Tribunal therefore determines that the Management Order dated 7<sup>th</sup> December 2023 be varied as follows:

- i) The period of the appointment is extended to 31<sup>st</sup> March 2026.
- ii) The other terms are updated in the Order of today's date to reflect a continuing appointment of a Manager already in place, as opposed to the position at the time of the December 2023 Order of when the identity of the Manager was being altered and there was a requirement for the passing of information and documents from the Old Manager as termed to the Manager (then termed "the New Manager").

### **Right to Appeal**

1. A person wishing to appeal this decision to the Upper Chamber must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision. Where possible you should send your further application for permission to appeal by email to [rpsouthern@justice.gov.uk](mailto:rpsouthern@justice.gov.uk) as this will enable the First-tier Tribunal to deal with it more efficiently.
3. If the person wishing to appeal does not comply with the 28-day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.