



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

Case Reference	:	LON/00AS/LAM/2025/0002
Property	:	Flats 1- 20 Cold Harbour Lane House, Cold Harbour Lane, Hayes, Middx UB3 3HD
Applicants	:	Talveer Singh Calay
Representative	:	
Respondent	:	Jai Dutt Sharma and Vibha Mohan Sharma
Representative	:	Mr Hill-Smith - Counsel
The Manager	:	Lee Gardner AIRPM of Uniq Block Management Limited
Tribunal members	:	Judge Dutton Mr S F Mason BSc FRICS
Date of Hearing	:	3 July 2025 at 10 Alfred Place, London, WC1E 7LR
Date of decision	:	29 July 2025

DECISION

The Tribunal determines that it will make a management order in respect of the Flats 1- 20 Cold Harbour Lane House, Cold Harbour Lane, Hayes, Middx UB3 3HD (the Property) as set out on the attached Order dated 29 July 2025 for the period 15 August 2025 to 31 December 2028.

Background

1. An application involving the same parties came before the tribunal on 18 November 2024, leading to a decision finding that the grounds for appointing a manager had been made out but rejecting the proposed manager for the reasons set out therein. By a further a preliminary Notice under s22 The landlord and Tenant Act 1987 (the Act) dated 6 January 2025 the Applicant gave notice of his intention to seek the appointment of a manager to manage the Property for the reasons set out in the said Notice.

2. This Notice was followed by an application to the tribunal under the provisions of s24 of the Act dated 12 February 2025.
3. Directions were issued by the tribunal on 27 February 2025 listing the matter for inspection and hearing on 3 July 2025, when the matter came before us.
4. Before the hearing we were supplied with a bundle of papers running to some 298 pages. It included the Notice, application and directions, the response from the Respondent to the Notice together with details of the proposed manager, Mr Lee Gardner of Uniq Block Management Ltd. The Respondent submitted details of his case with supporting papers and the Applicant responded to this.

Inspection

5. The building is a four storey, plus basement, property fronting Cold Harbour Lane. It comprises of commercial units at street level, two floors of residential accommodation above (the subject of this application) and top floor used it would seem for communications technology. It appears to be in a tired condition. Access to the upper floor is via a glass surrounded stair way. The entrance needs attention. There are unused and damaged post boxes on the front exposed to the street. Access is by key. The stairs are concrete and the opening windows for these common parts are in poor condition.
6. To the rear there is a service road leading to what would appear to be a garage at basement level. There are some car parking spaces for the flats but there were not clearly delineated. We noted the concrete external stairs forming the fire escape to the flats, which as it seems, the subject of some fire damage. A lockable gate governed egress. The escape route was, at the time of our inspection, blocked with cardboard boxes, presumably from the commercial units. There was a fenced area for refuse disposal at the side of the Property.
7. Internally the landings serving the flats were in need of some care and attention. The carpeting was poor, the decoration was, as with the exterior of the building tired. The electrical wiring to the lights was poorly completed with wires showing. It is not clear whether the doors to the flats or the internal doors to the landings were fire safety compliant.

Hearing

8. At the hearing Mr Sharma confirmed that which he had said in his response, namely that he did not object to the appointment of Mr Gardner as the manager for the Property.
9. That being said we determined whether Mr Gardner would be a suitable candidate to take on the role of manager. We had seen his CV. He told us he managed some 700 units in the Essex, Hertfordshire London region. He had a staff of 6, including an accounts person, two assistants and three property

managers. He had been appointed a manager of another property, 123 Westbourne Park Road some three years ago. We had the opportunity to review his level of fees, which were acceptable and are as set out in the attached Order. He was aware of the insurance arrangements, it being undertaken by the head lessor with a 40% contribution from the leaseholders of the residential units.

10. He confirmed his complaints procedures and that each tenant would have their own account and access via his company's portal. There were emergency procedures in place, and he had £1m cover for professional indemnity issues.
11. He told us his priority would be to ensure all health and fire safety issues were investigated and if necessary, works undertaken to ensure compliance. He thought the windows in the common parts, access thereto and the post arrangements needed swift attention. He would issue s20 notices in respect of the decorating works to the landings.
12. We touched on the accounting issues which had formed a large part of Mr Calay's complaint. It appears that over the years Mr Sharma had paid certain expenses himself, for example insurance for the Property and rather than claiming back from the tenants had offset the payments against his liability for service charge payments in respect of the 5 flats he owned. There had been little or no proper accounts until recently when one set accounts for the period 1 April 2018 to 31 December 2024 were produced by Lever Bros & Co chartered accountants from Isleworth dated 3 March 2025. It is not clear whether a complaint demand for this period have ever been issued.
13. We indicated that there should be a service charge review but only for the past 18 months as there was real concern that the provisions of s20B would impact on the recoverability of any arrears.

Decision

14. We concluded, as did our colleagues in 2024, that there were grounds to appoint Mr Gardner and were satisfied that he would fulfil the role.
15. We prepared a draft order which was sent to both sides for comment, confined to the terms of the Order. The applicant raised no issues. Mr Sharma sent in a lengthy diatribe essentially making points that should have been considered at the hearing if he was objecting to the appointment, which of course, he was not.
16. We would ask Mr Gardner to note the contents as there may be issues that would assist him with the management. We will leave it for him to liaise with Mr Sharma, which includes whether Mr Gardner continues with Lever Bros & Co as accountants and how he deals with any alleged surplus of monies Mr Sharma appears to be saying he is due from his payment of expenses said to be from his own resources. It may be that Lever Bros & Co can assist Mr Gardner in this element. We are not requiring Mr Gardner to indemnify Mr Sharma.

17. We consider the period **15 August 2025 to 31 December 2028** should be sufficient for Mr Gardner to resolve outstanding issues. Before expiration of that period any application for renewal will need to be made, or the appointment continues outside the tribunal's involvement.

Judge Dutton

Date 29 July 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).