



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

Case reference : LON/00AH/LAM/2025/0007

Property : Dagnall Court, Dagnall Park, London
SE25 5 PJ

Applicant : Paul Cleaver (Tribunal appointed
Manager)

Representative : In person

Respondent : E King Ltd (freeholder)

Representative : Mr W Beetson, counsel

Type of application : Variation of order for appointment of a
manager

Tribunal members : Judge Tagliavini
Mrs S Phillips MRICS

Venue : 10 Alfred Place, London WC1E 7LR

Date of hearing : 21 July 2025
Date of decision : 30 July 2025

DECISION

Decisions of the tribunal

1. The tribunal extends the appointment of Mr Paul Cleaver MTPI & MARLA, AssocRICS as the Manager of premises situate at **Dagnall Court, Dagnall Park, London SE25 5 PJ** ('the Property') until **30 June 2027** pursuant to the terms of the Management Order dated 18 May 2017 (as amended on 23 July 2020).

The application

2. This is an application to extend the Reappointment for Mr. Paul Cleaver of Urang Property Management Ltd, as manager of the Property pursuant to section 24 of the Landlord and Tenant Act 1985

The background

3. Mr. Cleaver was previously Appointed as Manager from 1 July 2017 to 30 June 2020 under the terms of a Management Order, dated 18 May 2017. An Application to vary and extend the terms of the Management Order was made and the Tribunal in its Decision, extended the Existing Management Order for a period of five years, expiring 30 June 2025 (not 19 June 2025 as stated by Mr Cleaver in his application).
4. In the application Mr Cleaver sought an extension of his appointment for a period of two years and sought an amendment to the Management Order to provide him with the power to bring forfeiture proceedings against the lessee of Flats 1, 3, and 4 for substantial service charge arrears.
5. The subject property is a purpose built building containing four flats. The long leaseholder of Flats 1, 3, and 4 is Ms Maher and the long leaseholder of Flat 2 is Ms Maxwell. This application was supported by Ms Caroline Maxwell who provided a Witness Statement dated 4 April 2025. The respondent supported the application to the extent it accepted Mr Cleaver's appointment should be extended by a further period of two years on the same terms as the existing Management Order.

The hearing

6. An oral face to face hearing was held on 21 July 2025 at which Mr Cleaver represented himself and the respondent was represented by Mr Beetson of counsel. Neither long leaseholder attended the hearing.
7. The tribunal was provided with a digital bundle of 366 pages as well as a skeleton argument from the respondent. In his witness statement, Mr

Cleaver set out what had been achieved over the course of his appointment which included:

We have set annual budgets, accounted for collection and service charges resulting in a basic reserve or sinking fund.

We have also pursued non-payer accounts.

Suitable insurance cover is in place for the building.

Health and Safety Health and safety improvements recommended in the General Risk Assessment and some remedial action was undertaken to date, and schedule updated risk assessments continue to meet industry standards.

Major Works Limited progress has been made on Major Works, due to a shortage of funds.

Minor repairs and management activities We have performed and continue to undertake minor repairs, both cyclical and ad hoc in nature, and maintain the provision of regular management activities.

9. This included obtaining a charging order against Ms Maher in respect of previous arrears (although no copy of the court order was included in the bundle). In his witness statement Mr Cleaver had requested the Management Order to be varied in the following way:

*(a) the grant of additional powers in relation to forfeiture of leases;
(b) the grant of additional powers for the recovery of bad debts;
(c) his (the Manager's) ability to recover legal costs;
(e) arrears of charges.*

10. Mr Cleaver also informed the tribunal that it was his intention to:

*(a) To collect outstanding arrears and costs;
(b) To save up Reserve Funds towards the Upgrade of the Fire Alarm and External Works;
(c) To complete the Major Works.*

11. The tribunal was also provided with a witness statement dated 16 May 2025 of Mr Justin John Toohig a director of the respondent company which stated:

For the avoidance of doubt, EKL requests that any amended management order remain substantially in the same terms as the order included within Judge Timothy Powell's decision dated 23 July 2020...EKL do not wish for the Applicant to be

granted any additional powers in relation to the Building or to be specifically empowered to commence the forfeiture process or collect ground rents on EKL's behalf.

12. During the course of the hearing Mr Cleaver withdrew his expressed wish to be granted powers of forfeiture and requested his appointment be extended for a further five-year period.

The tribunal's decision

13. The tribunal is satisfied it is appropriate to extend the appointment of Mr Paul Cleaver for a further two years i.e. until **30 June 2027**.
14. The tribunal determines the current form of Management Order (as amended by Judge Powell) is sufficient to provide Mr Cleaver with the necessary powers to carry out his responsibilities.

Reasons for the tribunal's decision

15. In reaching its decision the tribunal was satisfied that the Manager had made a positive contribution to the proper management of the building and was also satisfied he would continue to do so. Further, the tribunal was satisfied Mr Cleaver had successfully fully utilised the powers given to him under the existing Management Order, to address the arrears of service charges accrued by Ms Maher.
16. The tribunal recognises Mr Cleaver's frustration at the delays caused by the county court process, both in obtaining judgement and in seeking to effectively enforce it. However, as the landlord has declined to pursue forfeiture proceedings, Mr Cleaver appeared aware of the need to pursue all other avenues of enforcement available to him.
17. The tribunal was surprised to learn the respondent had given little or no thought to appointing its own managing agent, in view of the fact the Management Order for this relatively uncomplicated Property had been in place for 7 years and the management of the building had improved. This was despite Ms Maher's persistent failure to pay service charges and the respondent's refusal to initiate forfeiture proceedings.
18. Consequently, the tribunal concluded that it was appropriate for Mr Cleaver's appointment to be extended for a further 24 months. This period allows Mr Cleaver the opportunity to implement intended further projects (subject to funding). This extension of Mr Cleaver's appointment also provides the respondent, with an opportunity to consider appointing its own managing agent and implementing its repairing and maintenance obligations under the leases when the period of Mr Cleaver's appointment comes to an end.

Name: Judge Tagliavini

Date: 30 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).