



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

<b>Case Reference</b>	<b>:</b>	MAN/00CG/LVM/2018/0001
		MAN/00CG/LVM/2019/0001
		MAN/00CG/LVM/2019/0002
		MAN/00CG/LSC/2019/0014
		MAN/00CG/LVM/2020/0002
		MAN/00CG/LDC/2020/0016
		MAN/00CG/LSC/2020/0036
		MAN/00CG/LVM/2024/0600
<b>Property</b>	<b>:</b>	<b>Whitecroft Works, 69 Furnace Hill, Sheffield S3 7AH</b>
<b>Applicant</b>	<b>:</b>	<b>Richard Britton</b>
<b>Representative</b>	<b>:</b>	<b>Property Management Legal Services- Cassandra Zanelli</b>
<b>Respondents</b>	<b>:</b>	<b>(1) Various Leaseholders (see Annex)</b>
		<b>(2) P.A.S. Property Services Limited</b>
<b>Representative</b>		<b>(2) BRM Solicitors</b>
<b>Type of Application</b>	<b>:</b>	<b>Appointment of a Manager -Landlord and Tenant Act 1987– Section 24(9)</b>
<b>Tribunal Members</b>	<b>:</b>	<b>Tribunal Judge J.E. Oliver</b>
		<b>Tribunal Member S.A. Kendall</b>
<b>Date of Determination</b>	<b>:</b>	<b>18<sup>th</sup> June 2025</b>
<b>Date of Decision</b>	<b>:</b>	<b>8<sup>th</sup> July 2025</b>

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**DECISION**

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## **Decision**

1. The Management Order appointing Richard Britton as the manager of Whitecroft Works is extended until 31<sup>st</sup> March 2028.
2. The Management Fees for this period are:

Y/E 31.3.2026	£20376 + VAT
Y/E 31.3.2027	£21395 + VAT
Y/E 31.3.2028	£22465 + VAT
3. The flats numbered 10A, 10B and 10C, being formerly a retail unit within Whitecroft Works, are now included in and subject to the Management Order.
4. The duties of the Manager are extended to effect the installation of a bulk heat meter to each of the boilers installed at Whitecroft Works as set out in the report of Andrew Wilkes Management Ltd, dated 31<sup>st</sup> July 2024.

## **Application**

5. This is an application, dated 29<sup>th</sup> October 2024, by the Tribunal appointed manager of Whitecroft Works (“the Property”), Mr Richard Britton:
  - (1) For his appointment as manager to be extended for a further 3 years, to 31<sup>st</sup> March 2028,
  - (2) for his remuneration for those 3 years to be approved,
  - (3) for Flats 10A, 10B and 10C to be included within the Management Order, and
  - (4) for the Tribunal to approve works relating to the Common Heating System (CHS).
6. The Respondents to the application are the long leaseholders of the Property (“the Leaseholders”) and the landlord, PAS Property Services Ltd (“the Landlord”).
7. The Tribunal issued directions on 17<sup>th</sup> March 2024, providing for the filing of statements, bundles and the provision for an inspection and hearing.
8. The Tribunal inspected the Property in the presence of the Applicant, David Britton, the Applicant’s brother and who assists in the management of the Property and Mr Britton’s representative, Cassandra Zaneli. The leaseholders and Landlord did not attend the inspection or hearing. The Landlord’s representative sent in a letter to the Tribunal setting out its position in relation to the various issues.

## **Background**

9. There is a complex history and there have been several applications relating to the Property, both in respect of its management and service charges arising from works required to satisfy an enforcement notice issued by South Yorkshire Fire Service.
10. A Management Order was made in respect of the Property on 8<sup>th</sup> December 2014. Mr Richard Britton was appointed as manager for the Property in 2019 following the illness of a previous manager and, during his tenure, has overseen significant works at the Property. He seeks a further extension to his appointment, that expired on 31<sup>st</sup> March 2025, for a further 3 years to enable him to resolve the issues with the CHS and to continue to deal with the day-to-day management of the Property. In addition, Mr Britton seeks approval of his remuneration for those 3 years.
11. The Property comprises two buildings, one being a conversion and the second a new build, the latter having 47 apartments of which 43 are on the CHS.
12. An issue that has been considered by the Tribunal over several applications is the CHS and how the heating provided to the Common Parts can be monitored and recorded such that the cost can then be included within the service charge. The Tribunal has previously determined that such cost will be payable by all those liable for the service charge and not just the leaseholders in the new build section of the Property. At present there is no method of recording this usage. It is a matter considered on appeal by HHJ Robinson in the Upper Tribunal (LRX/166/2012).
13. Mr Britton has commissioned a report from Andrew Wilkes Management Limited which proposes meters are installed that will accurately record the heat consumed in the common parts thus allowing the cost to be calculated and charged to the leaseholders.
14. The Tribunal is also asked to include flats 10A, 10B and 10C within the Management Order. At the time when the original Management Order was made the flats were then a retail unit. At some point it was converted to the 3 flats, but no amendment was made to include them within the Management Order. Mr Britton has requested they now be included.
15. The application has been served upon all the leaseholders and no objections have been received; there have been some e-mails supporting Mr Britton's continued appointment.

16. The Landlord, via its solicitors, has agreed the application regarding the extension of Mr Britton's appointment for a further 3 years, the inclusion of flats 10A, 10B and 10C within the Management Order and the approval of his remuneration. There is also approval of the proposed metering system for CHS but the Landlord "*remains of the opinion that it is entitled to charge retrospectively for heat supplied to the new building, as it is possible to determine the total amount of heat used in the flats by way of the installed meters. Any other heat lost from the common heating system is chargeable as a service charge pursuant to the definition of Part II Services in Schedule 8 Clause 1.1.3 of the Lease*".

### **Hearing and Submissions**

17. In his written statement to the Tribunal Mr Britton outlined the work he had undertaken in the management of the Property since his appointment in 2019 and the works completed. He confirmed that in addition to the works required to the CHS, there are also issues with the flat roof on the new building along with the general day to day management of the Property.

18. Mr Britton confirmed his remuneration for the next 3 years, in the event his appointment was confirmed would represent a 5% uplift each year on his existing charges resulting in fees as follows:

Y/E 31.3.2026	£20376 + VAT
Y/E 31.3.2027	£21395 + VAT
Y/E 31.3.2028	£22465 + VAT

19. Mr Britton confirmed he sought the inclusion of Flats 10A, 10b and 10C for the reasons already stated and to enable him to manage the Property as one unit.
20. The report from Andrew Wilkes Management Ltd confirmed the complexities of the CHS serving 43 of the flats in the new build section of the Property. The flats 10aA 10B and 10C are not on the CHS. However, of those that are, flats 18, 18B and 18C receive only hot water. Flats 19-45 receive both heating and hot water.
21. On the current system there is no means of measuring the heat used in the common parts such that it cannot be included within the service charge. The consequence of this is the Landlord bears responsibility for this cost.
22. The proposal is that the heat emanating from the boiler is measured by heat meters, the software then being able to measure the heat consumed in the common parts. This would be achieved by the meters computing the cost of

the heat delivered to the Buildings Heat Distribution System and then deducting the summation of the heat consumed in all the flats. The flats are all individually metered to enable this to be done and were replaced in 2023.

23. The estimate for this work was £10,000 + VAT but Mr Britton confirmed up-dated estimates would be required.

### Determination

24. The Tribunal determines the application for the extension of Mr Britton's appointment for a further 3 years is granted. There have been no objections to the continued appointment. At the inspection, the Tribunal noted the Property appeared well maintained. The Tribunal finds that pursuant to section 24(9) of the Landlord & Tenant Act 1987 ("the 1987 Act") the continued appointment is just and convenient when considering the circumstances and history of the Property. This not only includes the work necessary to resolve the outstanding issues with CHS, but also the continued maintenance of the Property.
25. The proposed remuneration for the appointment for the next 3 years, until 31<sup>st</sup> March 2028, is also approved. The increase is considered reasonable and the fees specified will also include the additional 3 flats referred to.
26. The Tribunal also determines the 3 flats numbered 10A, 10B and 10C are now included within the Management Order. This is to enable Mr Britton to manage the Property as a whole. The Tribunal considers it is only by reason of the retail unit having been converted after the Management Order was made in 2014, that these flats have been omitted. It is therefore pursuant to section 24(3) of the 1987 Act that such an order is made.
27. The Tribunal noted that in his decision of 24<sup>th</sup> July 2024 Tribunal Judge Rimmer extended the duties of the Manager under the Management Order as follows:
1. To maintain repair and replace as and when reasonably required the metering devices in place in those apartments in the new build section of Whitecroft Works monitoring, or intending to monitor, and recording heat usage in those apartments relating to the common heating system.
  2. To install, repair and maintain, as and when he is able to do so, an adequate metering system to record the heat passing into and leaving from the common parts of the building through which the common heating passes.
  3. To collect the service charge for the supply of heat to the common parts of Whitecroft Works by the common heating system if and when an adequate metering system has been installed.

4. The manager shall be responsible for and entitled to recover his reasonable costs for effecting the appropriate administration of the common heating system to include updating details of leaseholders responsible under the terms of the lease for the charges, the reading of meters, the correct application of charging rates and the recovery of arrears.
28. The Tribunal considers that the Management Order having been amended in 2022 further amendments are not required, other than to provide for Mr Britton to be permitted to install the metering system as recommended by Andrew Wilkes Management Ltd in accordance with his report dated 31<sup>st</sup> July 2024.
29. The Tribunal notes the report provides a solution to the long-standing issue of calculating the cost of heating to the common parts. The report is supported by Mr Britton and no objections to it have been received from either the leaseholders nor the Landlord. The Tribunal therefore finds the solution proposed within the report is an “adequate metering system”, as required by the Tribunal’s decision of 24<sup>th</sup> July 2022, that will enable the Applicant to recover the heating costs via the service charge.
30. The Tribunal considered the submissions made by the Landlord of its ability to charge retrospectively for the heat supplied to the new building. This matter has been considered on earlier occasions. HHJ Robinson referred to it in her decision as referred to above. This was then referred to by Tribunal Judge Rimmer in his review dated 3<sup>rd</sup> October 2022 where he stated as follows:
- 4. This Tribunal is not satisfied that there is anything within that Upper Tribunal decision, nor in what it heard at the hearing of this application, to suggest that if and when sufficient recording apparatus is installed there is any entitlement to charge retrospectively for the heat supplied prior to the installation.”*
31. There is nothing which has been said to the Tribunal within this application to support any view different from that expressed by Tribunal Judge Rimmer.

## **Annex 1: Leaseholders**

Mr G P & Mrs H M Davy	1 Whitecroft Works
Mr N Cooper	2 Whitecroft Works
Mr E P Tore	3 Whitecroft Works
George Kitovtz	4 Whitecroft Works
Mr J Bogush	5 Whitecroft Works
Ms J M & C J Lawson	6 Whitecroft Works
Mr & Mrs Harrison	7 Whitecroft Works
Mrs J Marshall and Mr A James	8 Whitecroft Works
Mr & Mrs Sarhan	9 Whitecroft Works
Mr A Pike & Ms L Bailey	10 Whitecroft Works
Mr S Turner	11 Whitecroft Works
Mr J W & Mr P N Twigg	12 Whitecroft Works
Mr S C & Mr T F Brewer	14 Whitecroft Works
Mr S Molloy	15 Whitecroft Works
Mrs S J Walker	16 Whitecroft Works
Dr & Mrs Moon	17 Whitecroft Works
Mr & Mrs Bunting	18 Whitecroft Works
Mrs J Millington	19 Whitecroft Works
Messrs J P & C J Theodorson	20 Whitecroft Works
Mr & Mrs Thakrar	21 Whitecroft Works
Mr S Molloy	22 Whitecroft Works
Mr G Yiannakou	23 Whitecroft Works
Miss F Liburd	24 Whitecroft Works
Mr A N Gunn	25 Whitecroft Works
Miss S Jethwa	26 Whitecroft Works
Mr & Mrs Hinshelwood	27 Whitecroft Works
Mr D R J Macaskill	28 Whitecroft Works
Ms S Younus	29 Whitecroft Works
The Gibson Partnership	30 Whitecroft Works
Mr & Mrs Stocks	31 Whitecroft Works
Mr & Mrs Ekpo Eyo	32 Whitecroft Works
Mr A Elliott	33 Whitecroft Works
Mr & Mrs Colver	34 Whitecroft Works
Peter Hurst	35 Whitecroft Works
Mr & Mrs Hayes	36 Whitecroft Works
Mr T J Hickman	37 Whitecroft Works
Mr R Benjamin	38 Whitecroft Works
Mr & Mrs Goodwin	39 Whitecroft Works
Miss L Outram & Mr I Hart	40 Whitecroft Works
The Gibson Partnership	41 Whitecroft Works
Mr & Mrs Gregory	42 Whitecroft Works
Mr D Ryan	43 Whitecroft Works

Mr Johnson	44 Whitecroft Works
Oake Property Investments LTD	45 Whitecroft Works
Mrs S M Williamson	46 Whitecroft Works
Mr Nacuta	47 Whitecroft Works
M D Breuer	48 Whitecroft Works
Mr A, A Giammatteo	49 Whitecroft Works
Paul Hemmingfield	50 Whitecroft Works
Mr & Mrs Onwude	51 Whitecroft Works
Mr A Lee	52 Whitecroft Works
Ms A C Rixom	53 Whitecroft Works
Ms C Drake	54 Whitecroft Works
Dr A Jamil & Mrs A Abbasi	55 Whitecroft Works
Mr A J Bastow	56 Whitecroft Works
Mr D P Searle	57 Whitecroft Works
Mr R H Dickinson	58 Whitecroft Works
Mr P A Pymm	59 Whitecroft Works
Discovery Analytic Limited	60 Whitecroft Works
Miss M Kraemer	61 Whitecroft Works
Miss K Rullo	62 Whitecroft Works
Alaric Limited	63 Whitecroft Works
Miss D M Michna & Miss B T Kozlowska EM	64 Whitecroft Works
Mr R E Black & Mr P T Lyons	65 Whitecroft Works
Mrs S Eaveson	66 Whitecroft Works
Mr D Collinson	67 Whitecroft Works
Thornber Estates Ltd	68 Whitecroft Works
Frances Batterbee	69 Whitecroft Works
Mrs M Hodgkinson & Miss M Hodgkinson	70 Whitecroft Works
Mr A Jan	10A Whitecroft Works
Mr J O Hobson	10B Whitecroft Works
Mr T Younus and Mr M T Younus	10C Whitecroft Works
Mr & Mrs Stocks	18A Whitecroft Works
Mr M R Marriott	18B Whitecroft Works
Mr G D Cable	18C Whitecroft Works
Mr & Mrs Potter	18D Whitecroft Works