



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

Case reference : **HAV/00HH/LVT/2024/0604**

Property : **Earls Court, St Vincents Road, Torquay,
Devon, TQ1 4HF**

Applicant : **Ian Wookey**

Representative : **None**

Respondent : **Earls Court (Torquay Management
Association)
Leaseholder Flat 25
Leaseholder Flat 27**

Representative : **None**

Type of application : **For an order varying leases**

Tribunal member(s) : **R Waterhouse FRICS
MJF Donaldson FRICS**

Date of Order : **~~20 August 2025~~ amended - 27 August 2025**

ORDER

By virtue of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 and Practice Directions Rule 50 “Clerical mistakes and accidental slips or omissions”. The tribunal amends the Order as above.

UPON considering the applications made by Ian Wookey under section 35 and section 37 Landlord and Tenant Act 1987

AND UPON an Appendix being attached to this Order, which specifies the relevant reversionary title number to the residential leases at Earls Court, St Vincents Road, Torquay together with each leaseholder’s name, flat number and title number

IT IS ORDERED, pursuant to section 38, that each of the residential leases in respect of Earls Court, St Vincents Road, Torquay, Devon TQ1 4HF referred to below are amended as follows:

For the ground rent provisions:

To delete“and proportionately for any fraction of the year the annual rent of FIVE POUNDS payable in advance on the Twenty-fourth day of June in every year (the first, of such payments or a proportion thereof from the date hereof to the Twenty-Seventh of June next to be made on the signing hereof) free of all deductions whatsoever AND ALSO Paying from time to time such amounts as are set out in the Third Schedule hereto.” [Source bundle 22 & 23 of 51 pages]

And insert“an annual ground rent of one peppercorn in advance on the Twenty-fourth day of June in every year if demanded”.

For the Service charge Provisions

To delete within the THIRD SCHEDULE

“ To pay by way or reimbursement to the lessors in respect of each year of accounting the sum, in advance on the June quarter day in every year to enable the Lessors to meet the Estate expenditure Building expenditure and aerial expenditure as hereinafter defined and one thirtieth part of the cost of keeping the pleasure grounds clean and tidy and cultivated and the drives and footpaths and forecourts thereon in proper repair. In the event of the said animal[sic] sum of £50 from each lessee in the block being insufficient to meet

the expenditure the Lessee will in addition to the said annual sum of £50 pay by way of reimbursement to the Lessors in respect of each year of accounting a sum equal to the aggregate of :-

- (A) One twelfth /one eighteen of the Building Expenditure
- (B) One twelfth /one eighteen of the Aerial Expenditure
- (C) One twelfth /one eighteenth of the Garage expenditure
- (D) The Lessees share of the estate expenditure.

which sum (together with the said sum of £50) is herein referred to as the Lessees contribution and such additional monies over and above the £50 shall be paid on the quarter day next following the notification of the amount thereof by the Lessors or the Surveyors to the Lessors. Provided that in any year of accounting the amount of the Lessees contribution shall be found to be less than the sum of the payments made by the Lessee in respect of that year the excess shall be accredited by the Lessors against the next payment due from the Lessee.”

And insert in the THIRD SCHEDULE

“The Service Charge set for each financial year will be apportioned on the basis of one thirtieth of the total amount, budgeted to be expended, on the land and buildings. Payment of the Service Charge to be in equal instalments Half-Yearly in advance on the 24th of June and 25th December each year.”

IT IS FURTHER ORDERED that each of the variations referred to above are to take effect and bind each of the parties to the leases with effect from and including 13 August 2025.

The Tribunal **directs** the [solicitor for the] Applicants no later than 56 days from the date of the Order:

(i) file a copy of this Order together with a copy of the Tribunal’s decision, at HM Land Registry.

(ii) confirm to the Tribunal that it has done so.

The Tribunal **directs** HM Land Registry to enter a note in the register of each of the leasehold titles of the residential leases in respect of Earls Court , St Vincents Road , Torquay (as set out in the Appendix) which are varied by this order and in the register of the relevant reversionary freehold title, confirming that the terms of the registered lease has been varied by this Order, dated 13 August 2025 and to file a copy of this Order under each affected title.

Name: R Waterhouse FRICS , MJF Donaldson FRICS.....

Date: ~~20 August 2025~~.....amended 27 August 2025.

Appendix to Order

Tribunal Case Reference: HAV/OOHH/LVT/2024/0604

Property Address: Earls Court, St Vincents Road, Torquay ,
DevonTQ1 4HF

Reversionary title number: DN117986 (Freehold)

Leases varied by this Order

Address	Name of Leaseholder(s)	Title Number
Earls Court, St Vincents Road , Torquay, Devon		
Flat 1	Carl Edward Arney	DN161181
Flat 2	Huw David Jones	DN546535
Flat 3	Paul Brown	DN414916
Flat 4	Carol Ann Wookey & Ian Wookey	DN49396
Flat 5	Philip Leslie Vigurs	DN243113
Flat 6	Beata Aldona Wikar-Aleksander and Pobert Piotr Alexander	DN750119
Flat 7	Jamie Howard Spencer	DN56280
Flat 8	Alan John Stephens	DN40882
Flat 9	Stanley William Bowden and Ellen Grace Bowden	DN324957
Flat 10	Geraint Price	DN203297
Flat 11	Tina Jayne Reynolds	DN53584
Flat 12	Mark Blake Walton & Lizabeth Diniz Calasans	DN51771
Flat 13	Maria De Fatima Valente & Nuno Valente trustees of the alente Family Trust	DN68663
Flat 14	Janet Barbara Meyer	DN53347
Flat 15	Joan Elizabeth Clayton	DN149759
Flat 16	Humphrey Peter Roberts	DN61972
Flat 17	Julian Nicholas Moore	DN48005
Flat 18	Community Hospitals Limited	DN146012
Flat 19	Robert Henry Lewis	DN245570
Flat 20	Arturs Dimerecs & Laura Auzina	DN50335
Flat 21	Allan John Francis Sutton & Vivienne Lesley Sutton	DN46461

Flat 22	David Stephen Nagy	DN47193
Flat 23	Joanne Dawn Egan	DN117696
Flat 24	Paul Brendan Moore	DN63254
Flat 25	Peter John Fisher	DN518362
Flat 26	Ian Christopher Walker & Katharine Elizabeth Walker	DN128993
Flat 27	Christine Mary Birchell & Roger Henry Birchell	DN422003
Flat 28	Janice Anne Thompson & Kenneth Edward Thompson	DN138118
Flat 29	Gerald Osbourne & Denise Osborne	DN641960
Flat 30	Freya Helena Johnson & Jake Benjamin Price	DN58357