



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

**Case reference** : LON/00AN/LAM/2025/0009

**Property** : 10 Askew Road, London W12 9BH

**Applicant(s)** : (1) Mr Bernard Bortey  
(2) Mrs Shannel Bortey

**Respondent(s)** : (1) Patricia Elizabeth Roberts  
(freeholder/landlord)  
(2) Mr Joseph Cato & Ms Sacha Cato of  
Askew Property Services Management  
(landlord's managing agents)  
(3) Mr Craig Newell MRICS MCI Arb  
(tribunal appointed manager)

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

**Tribunal members** : Tribunal Judge I Mohabir  
Mr S Mason FRICS

**Venue** : 10 Alfred Place, London WC1E 7LR

**Date of decision** : 28 November 2025

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**DECISION AND ORDER**

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***Background***



1. In a decision dated 21 November 2022 (“the earlier decision”), made an order in the following terms:

*“1. The tribunal further varies the Management Order dated 20 March 2014 made pursuant to the tribunal’s decision dated 4 February 2014 to extend the appointment of Mr Craig Newall BSc MRICS MCI Arb as manager with the functions of a receiver until **1 July 2025** and make additional provision in respect of his management as set out in the Management Order (Addendum) below.”*

2. This decision should be read together with the earlier decision, which sets out the factual background of this matter and need not be repeated here.
3. By an application dated 1 April 2025, the Applicants sought to vary the order dated 21 November 2022 by extending the term of Mr Newall’s appointment.
4. On 24 June 2025, the Tribunal issued directions, which have been complied with by the Applicants. Their evidence is contained in the hearing bundle comprised of 302 pages. The first and Second Respondents have not complied with the directions by failing to file and serve any evidence.

### ***Hearing***

5. The hearing took place on 27 November 2025. The first Applicant, Mr Bortey appeared in person and was accompanied by his mother-in-law, Ms Thompson. The Second Respondents appeared in person.
6. The Third Respondent, Mr Newall, did not attend. His explanation for doing so was set out in an email he sent to the Tribunal the previous day. He understood that the parties had been engaged in discussions about appointing a new managing agent and, Ms Cato, had contacted his office to confirm that she would be managing the property in the new year. Mr Newall mistakenly believed that the parties had reached an agreement in this way and, therefore, cancelled the hearing date in his diary. Due to another engagement, he was no longer able to attend the hearing.

### ***Decision***

7. At the hearing, both parties confirmed that no such agreement had been reached by them in relation to the appointment of another managing agent. Indeed, Ms Cato confirmed that Askew Property Services Management would cease trading in 2026 as a managing agent for the freeholder.
8. Ms Cato also confirmed that although the Second Respondents had not complied with the Tribunal’s directions, they did not oppose the variation of the earlier order by extending the term of Mr Newall’s



appointment. She also confirmed that no complaint was made about Mr Newall's management of the property since 2014 and that he had in fact done so competently.

9. The First Applicant said that an extension of 2 years was sought in relation to Mr Newall's appointment.
10. It follows, it was not necessary for the Tribunal to consider the suitability of Mr Newall to remain as the appointed manager or whether any of the criteria in section 24(9A) of the Landlord and Tenant Act 1987 had to be satisfied. In other words, Mr Newall's continued appointment was by of the consent of the parties.
11. Accordingly, the Tribunal granted the application as sought. The Tribunal's order appears below.

### **Section 20C and Reimbursement of Fees**

12. The tribunal determines that in the circumstances it is just and equitable to make an order under section 20C of the Landlord and Tenant Act 1985, so that the Second Respondents costs, if any, are not recoverable through the service charge account. The reasons for making the order are the Second Respondents failure to comply with the Tribunal's directions and the fact that the application had succeeded entirely.
13. For the same reasons, the Tribunal also orders the Second Respondents to reimburse the Applicants the issue and hearing fees in the total sum of £337 paid by them to have the application heard. Payment is to be made within 28 days of this decision being issued by the Tribunal to the parties.

### **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).

### **MANAGEMENT ORDER (Addendum)**

This Order is to be read in conjunction with the Management Order dated 20 March 2014 ('the Order') made pursuant to a decision dated 4 February 2014. Where any of the below provisions conflict with the terms of the Order the paragraphs below are to take precedence

1. The Tribunal further varies the Order and extends the appointment of Mr Craig Newall BSc MRICS MCI Arb until **27 November 2027** as manager with the functions of a receiver of the subject property at 10 Askew Road, London W12 9BH ('the Property').
2. The manager has the power and the right to collect the rents from the occupiers of the basement and ground floor flats at the said Property to be applied towards the service charges owed by and due from the first and second respondents who act on behalf of the freeholder.
3. Any reference to the manager in the Order or any subsequent interim order as having been appointed as the receiver of the Property is substituted by the reference to the manager as 'having the power of a receiver.'
4. Mr Newall may charge fees of £2,612 plus VAT per annum in respect of the services he provides under the Order.

Name: Tribunal Judge I Mohabir

Date: 28 November 2025