

**NORTHERN RENT ASSESSMENT PANEL  
Decision / Reasons of a  
LEASEHOLD VALUATION TRIBUNAL**

**LANDLORD AND TENANT ACT 1987 SECTION 24 (9)**

Premises: Letton Lodge, Northumberland Street, Alnmouth, Northumberland NE66 2RJ

Applicant: Mr. J. Taylor, 3 Letton Lodge, Alnmouth

Respondent: Mr. M.J. Boaden MRICS, 47 St. George's Terrace, Newcastle upon Tyne

Tribunal Members: Mrs. S. Aldred  
J. Platt  
A. Robertson

**1. Background**

- 1.1 An application by the lessee of Flat 3 Letton Lodge, Mr. J. Taylor, for the discharge of the Manager appointed by an LVT 28<sup>th</sup> October, 2005 (to take effect from 30<sup>th</sup> November, 2005) was made under the Landlord & Tenant Act 1987 Section 24 (9) and is dated 1<sup>st</sup> August, 2006.
- 1.2 A pre-trial review was held on 22<sup>nd</sup> August, 2006 following which directions were issued. At that time the second respondent was Mrs. J. Stockwell, the lessee of Flat 1. Mrs. Stockwell has since sold her interest in Flat 1 and can no longer be involved as a respondent in this case.
- 1.3 Letton Lodge is a house in three leasehold units known as Flats 1, 2 and 3. Each of the three lessees owns a share in the freehold interest.
- 1.4 The original appointment of a Manager (and his subsequent substitution) followed applications of the lessee of Flat 1, Mrs. Stockwell. In each case the lessees of Flats 2 and 3 (Mrs. & Mr. Taylor respectively, Mr. Taylor being the applicant in this discharge application) were opposed to the appointment.
- 1.5 Mrs. Scott, the recent purchaser of Flat 1, has been made aware of these proceedings and has been invited to join in as a respondent. No reply has been received from Mrs. Scott to the various letters sent to her by the Tribunal.
- 1.6 Further directions were issued on 21<sup>st</sup> December, 2006 in which the Tribunal indicated that they were minded to proceed without an oral hearing unless either or both parties so requested. No such request was made.

**2. Submissions**

- 2.1 In his application and in subsequent letters and Emails the applicant listed reasons why the respondent's appointment should be revoked, arguing that he 'completely failed to carry out his duties'.

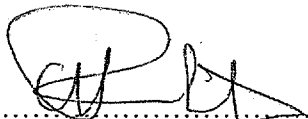
- 2.2 The respondent by letter dated 26<sup>th</sup> October, 2006 responded to some of the issues raised by the applicant.
- 2.3 Representations were also made by Mrs. Stockwell and her husband prior to the completion of the sale of her flat (No. 1). As observed in paragraph 1.2 above, Mrs. Stockwell can no longer be involved in this matter.

### 3. The Law

- 3.1 The Landlord & Tenant Act 1987 (the Act) Section 24 (1) allows a Leasehold Valuation Tribunal to appoint a Manager. Subsection (2) sets out the circumstances which must pertain for them to be able to exercise this power and briefly, there must be fault on the part of existing management and 'it is just and convenient to make the order in all the circumstances'.
- 3.2 Section 24 (9) of the Act allows a Tribunal to vary or discharge an order made under 24 (1) provided (sub-section 9(a)) the discharge will not result in a recurrence of the circumstances which led the order being made and 'it is just and convenient in all the circumstances to discharge the order'.

### 4. The Tribunal's Decision

- 4.1 None of the present three lessees of Letton Lodge support the continuing appointment of the Manager.
- 4.2 The Tribunal take the view that in the absence of such support it cannot be 'just and convenient in all the circumstances' for the appointment to continue.
- 4.3 The Tribunal believe that a discharge will not result in a recurrence of the circumstances which led to the order being made because these circumstances were primarily a wide ranging dispute between two of the lessees, one of whom no longer has an interest in Letton Lodge.
- 4.4 The Tribunal do not consider it necessary to comment on the original dispute or to make findings on the complaints of the Applicant against the incumbent Manager. These complaints have not been considered by the Tribunal who make no findings of fault against the Manager.
- 4.5 This Tribunal discharges the order made by the Leasehold Valuation Tribunal on 28<sup>th</sup> October, 2005, the discharge to take effect on 16<sup>th</sup> April, 2007.
- 4.6 The Tribunal relies upon the parties to agree as to the transfer of monies and duties consequent to this decision. Further directions may be made by the Tribunal in the absence of such agreement.



.....  
A Robertson JP FRICS  
Chairman

Date ..... 28 March 2007