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**Residential  
Property**  
TRIBUNAL SERVICE

**RESIDENTIAL PROPERTY TRIBUNAL SERVICE  
DECISION OF THE LEASEHOLD VALUATION TRIBUNAL  
(LONDON PANEL)**

**LANDLORD AND TENANT ACT 1987 SECTION 24  
LANDLORD AND TENANT ACT 1985 SECTION 20C**

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**Property:** Flat 1A, 16 Brighton Terrace, London SW9 8DG  
**Landlord:** Newservice Ltd  
**Tenant:** Ms Lisa Dancy

**Tribunal Members:**  
**Mr Adrian Jack (Chairman)**  
**Mrs L Walter**

Ref : LON/00AY/LAM/2007/0019

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1. The tenant seeks the appointment of a manager of 16 Brighton Terrace pursuant to section 24 of the Landlord and Tenant Act 1987 and an order under section 20C of the Landlord and Tenant Act 1985 preventing the landlord recovering its cost of the current application.
2. Two other tenants, Mr I Osbourne and Mr A Osinloye, have been added as additional parties.
3. Because an issue was raised as to the Tribunal's jurisdiction, a preliminary hearing was heard today. Ms Dancy appeared on behalf of herself and the other two tenants. Ms Brown of the managing agents, Chatfield Property Ltd, appeared on behalf of the landlord.
4. Section 22(1) of the 1987 Act provides that before an application under section 24 can be made a notice under section 22 must be served. Section 22(2) provides that a "notice under this section must" (our emphasis) contain various information including (section 22(2)(d)) the specifying of a reasonable period to remedy matters capable of being remedied.
5. The original section 22 notice served by the tenant did not specify a date for remedying various serious defects identified in the notice. After issuing the current application dated 26th November 2007 the tenant has served two

- further amended notices. The last of these, dated 12th December 2007, gave the landlord until 8th January 2008 to remedy the defects.
6. Ms Brown said that, even under this notice, an inadequate period had been given. The works which needed to be done would need consultation under section 20 of the 1985 Act and a period of six months would be reasonable for the consultation and the carrying out of the works to be done.
  7. The Tribunal agrees. The making an order for the appointment of a manager is a major interference with the landlord's normal right to manage the property. Section 22(2)(d) is an important protection for a landlord: it gives him a last opportunity to put matters right. The period (over Christmas) to 8th January 2008 was grossly inadequate.
  8. Ms Darcy submitted that under section 24(7) the Tribunal had the power to appoint a manager, even if there were defects in the original notice and if the period given for remedying defects was too short.
  9. The Tribunal accepts that it has a discretion to waive such defects. In the current case, however, the defects are substantial. In effect the Tribunal would have to adjourn the current case for some six months to allow the landlord to comply with the (defective) notice. In the current case, this is in the Tribunal's judgment inappropriate. The right course is for the tenant (and any of the other tenants who wish to join in the application) to serve a fresh notice, addressed to the landlord, giving six months for the landlord to remedy the defects.
  10. If the landlord fails to comply with the notice, the Tribunal is likely to have little difficulty holding it appropriate to appoint a manager. It is wrong, however, to keep the current application in existence hanging over the landlord's head.
  11. Accordingly the Tribunal dismisses the current application for want of jurisdiction.
  12. The tenant seeks an order under section 20C of the 1985 Act preventing the landlord recovering the costs of the current application. Since the current application has failed, it is not in the Tribunal's judgment appropriate to make an order under section 20C. Nor is an order that the landlord reimburse the tenant the fees payable to the Tribunal appropriate.

#### DECISION

**The Tribunal dismisses the application for the appointment of a manager for want of jurisdiction. It dismisses the tenant's application under section 20C of the Landlord and Tenant Act 1985 and makes no other order for costs.**



Adrian Jack, chairman

8th January 2008