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Property  
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**RESIDENTIAL PROPERTY TRIBUNAL SERVICE**

**DECISION OF THE LEASEHOLD VALUATION TRIBUNAL**

**LANDLORD & TENANT ACT 1987, SECTION 24**

**REF: LON/00AQ/LAM/2010/0018**

PROPERTY: Flat 4, Willow Court, Fulbeck Way, North Harrow, Middx,  
HA2 6LH

Applicant: Mrs Ratna Alexander

Respondents: (1) Willow Court (Harrow) Ltd  
(2) Willow Court Management Company (1985) Ltd  
(3) Mr and Mrs T Muhunthan

Date of Application: 29<sup>th</sup> April 2010

Date of PTR: 22<sup>nd</sup> June 2010

Appearances The Applicant (in person)

For the Applicant

Mrs Odamety (Company Secretary of the First  
Respondent)

For the First Respondent

Date of Hearing: 14th September 2010

Date of Decision: 14<sup>th</sup> September 2010

Members of Tribunal: Mr S Shaw LLB (Hons) MCI Arb  
Mr R Shaw FRICS  
Mr L Packer

## DECISION

1. This Application, dated 29<sup>th</sup> April 2010, is brought by Mrs R Alexander ("The Applicant") for an order appointing a Manager of Willow Court, Fulbeck Way, North Harrow, Middlesex HA2 ("The Property"), pursuant to the provisions of section 24 of the Landlord and Tenant Act 1987 ("the Act").
2. The Application has been made against the freehold owner and landlord of the Property, the original Management company, and the leaseholders of Flat 2 at the property respectively, all as named in the above title of this Decision, and who will be referred to as "the Respondents." Since this is an application in respect of which all interested parties, particularly the leaseholders of the 10 flats at the property, are required to have been given notice, there are other notional "Respondents", although they have not been formally been joined as parties to the application.
3. An oral Pre-Trial Review of this matter took place on 22<sup>nd</sup> June 2010. That hearing was attended by the Applicant, and her then solicitor, and Directions for the full hearing were given on the same day. Paragraph 8 of those Directions, under the heading "Hearing Arrangements", reads (in bold capital type):

**" THE PROPOSED MANAGER SHALL ATTEND THE HEARING AT 10A.M."**

4. **THE HEARING**

The Hearing of this matter took place on 14<sup>th</sup> September 2010. The Applicant attended together with Mrs Odametey, who is the Company Secretary of the First Respondent. The First Respondent is the freehold owning company and landlord, of which the Applicant is the sole Director and 50% shareholder.

5. With the exception of the First Respondent, this application was not supported by any other party. Several leaseholders (or leaseholders' representatives) had sent e-mails or letters to the Tribunal opposing the appointment of a Manager (in particular the leaseholders of Flats, 2,3, 5, 6, and 9).
6. There is an unfortunate history to this application, and of controversy at the Property. For present purposes, it is sufficient to say that there is discord between the Applicant and most of the other leaseholders, which discord has resulted in the issue of more than one set of County Court proceedings. The Applicant contends that the Property suffers from neglect and bad management. The other leaseholders appear to contend that to the extent that there is disrepair, it has been contributed to by the fact that the Applicant has withheld monies due from her – which allegation the Applicant denies.
7. The Applicant appeared before the Tribunal on 14<sup>th</sup> September 2010. There was no proposed Manager in attendance, in breach of the Tribunal's directions. The Applicant informed the Tribunal that, under pressure from her then solicitors, she had agreed in principle to the appointment of a firm of managing agents (namely Wilson Hawkins Property Management Limited), but only on the basis that those agents were put before the Tribunal, and approved as a Tribunal appointed Manager. She said that this qualification had been made orally, and that there was no written confirmation to this effect.
8. In a letter to the Tribunal received on the morning of the Hearing (as was the bundle, and most of the other documentation) the Director of the Second Respondent informed the Tribunal that the Applicant had put forward Wilson Hawkins and agreed to their appointment, as a result of which a binding Management Agreement (a copy of which was shown to the Tribunal by the Applicant) had been signed with that company, dated 30<sup>th</sup> July 2010.
9. During the morning of the Hearing, the Applicant put before the Tribunal a further bundle of documents, including a Statement from her, requesting the Tribunal to appoint Wilson Hawkins as Manager on a "suspended" six months

basis. She told the hearing she had made this request under pressure from her solicitor the previous evening. In the time between the previous evening and the hearing the following morning, she dismissed her solicitor, and withdrew her invitation to appoint these agents as Manager, describing them as "not strong enough" Instead, she invited the Tribunal to appoint a different firm, namely Red Rock Estate & Property Management Limited, based in Harwich, Essex.

10. **Determination of the Tribunal**

As was explained to the Applicant, it was impossible for the Tribunal now to make the appointment requested by her in the absence of an appearance by the proposed Manager, as previously directed. The Tribunal in the circumstances, and given that managing agents had in fact recently been appointed, invited the Applicant to withdraw her Application, and to monitor the position, after those managers had been given a reasonable opportunity to establish management at the property. She declined to do this. Instead, she requested the Tribunal to adjourn the hearing of this application, to enable her to return on some subsequent occasion, and in order to put her preferred managers before the Tribunal. However, she also showed the Tribunal an e-mail, sent by those agents, the day before the Hearing, which stated:

*I think it is better for us to pass on tomorrow. It is likely that the LVT will appoint Wilson Hawkins and allow them to prove themselves when it comes to managing your development. Should you in the future need the services of a new MA, please ring either Nick or myself."*

It is not therefore at all clear that these proposed managers would, in the light of the developments which have now taken place, continue to accept an appointment at this stage.

11. In all the circumstances, the Tribunal was not prepared to grant an adjournment of this matter. The application had been made in April of this year, and clear directions given requiring the attendance of any proposed

manager. It is not clear, for the reasons indicated above that the proposed managers would indeed still be willing to act. Even if this were the position, there are recently appointed managers in place, whom the Tribunal considers should be given a reasonable opportunity of establishing management at the property. It is further not clear that an adjournment would serve any useful purpose, and there was a risk of yet additional costs and Tribunal time being thrown away.

12. The Applicant declined to withdraw the Application. On the evidence before the Tribunal, there was insufficient material for the Tribunal to conclude that it would be "*just and convenient*" for the purposes of the Act, to appoint a Manager. Accordingly, this Application is dismissed. If the Applicant remains unhappy with the management of the property after the passage of a reasonable period of time, it is of course open to her to make a fresh Application to the Tribunal.

Legal Chairman: S. SHAW



Dated: 14<sup>th</sup> September 2010