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

Case Reference : **LON/00AP/LAM/2013/0019**

Property : **188 Albert Road, London N22 7AH**

Applicant : **Mr MJ Graham**

Representative : **In person**

Respondent : **188 Albert Road Management
Company Ltd**

Representative : **Prickett & Ellis Property
Management**

Type of Application : **Dispensation of requirement to
serve a section 22 notice of the
Landlord and Tenant Act 1987**

Tribunal Members : **Judge Tagliavini
Mr H Geddes**

**Date and venue of
Hearing** : **10 Alfred Place, London WC1E 7LR**

Date of Decision : **4 September 2013**

DECISION

Decision of the tribunal

1. The tribunal finds that the applicant has failed to show why it is not “reasonably practicable” to serve the requisite notice pursuant to section 22 of the Landlord and Tenant Act 1987 on the respondent. The applicant has failed to demonstrate why the tribunal should exercise its discretion and grant a dispensation in the requirement to serve such a notice on the respondent RTM Company.

Reasons for the decisions

2. The tribunal heard submissions from Mr Graham in respect of the application to dispense with the requirement to serve and considered the documents presented by him in the hearing bundle.
3. The respondent opposed the application on the basis that, despite the numerous letters written by the applicant complaining of various breaches of its management obligations, it was unclear what these breaches were or whether it was accepted by the applicant that all or some of the alleged defaults had been remedied. The respondent also asserted that if breaches had occurred it should be allowed a reasonable time period in which to address them.
4. The tribunal finds that the applicant has failed to demonstrate that it would not be “reasonably practicable” to serve a section 22 notice and inform the respondent of the alleged defaults, or allow them a reasonable opportunity in which to remedy them. The tribunal finds that there is close contact between the parties and no obstacle to service of the required notice. Therefore, the tribunal determines that it is not appropriate to exercise its discretion under the relevant section and dismisses the application to dispense with service of the requisite notice. Consequently, the tribunal also determines that the application for the appointment of a manager cannot proceed and is dismissed.

Signed: LM Tagliavini

Date: 4 September 2013