

10341



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

**Case Reference** : MAN/00BY/LAM/2014/0004

**Property** : Flats 1-28, 24 Fenwick Street, Liverpool, L2 7NE

**Applicants** : **Laura Halsall** (Flats 1)  
**Peter Skinner** (Flats 2)  
**Paul Kidney** (Flats 3 & 17)  
**Serge Heselton** (Flat 4)  
**Michael McGowan** (Flat 5)  
(representative) (Flat 7)  
**Lopa Winters** (Flat 8)  
**Lianne Birkett** (Flat 12)  
**Andrew Snell** (Flat 13)  
**Alistair Brabner** (Flat 14)  
**Paul Cullen** (Flat 16)  
**Jane Windle** (Flat 18)  
**Paul O'Malley** (Flat 20)  
**Thomas Moezer** (Flat 21)  
**Brendan & Sarah Reilly** (Flat 22)  
**Leslie Vine** (Flats 24 & 26)  
**Mr & Mrs Brennan** (Flat 25)  
**Stephen Lindsay & Fiona Looney** (Flat 28)  
**Joseph Davies**

**Respondents** : (1) Adriatic Land 1 (GR4) Limited c/o Sanna Group  
**Represented by** : Forte Freehold Estates

(2) OM Property Management Ltd

**Type of Application** : Landlord & Tenant Act 1987 - Sections 24(1)  
Landlord & Tenant Act 1985 – Section 20C

**Tribunal Members** : **Laurence Bennett** (Tribunal Judge)  
**Jonathan Holbrook** (Tribunal Judge)

**Date of Decision** : 3 November 2014

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**DECISION**

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## **Application**

The Tribunal has received an application for the discharge of an order appointing a manager under Section 24(1) of the Landlord and Tenant Act 1987 and for the appointment of a new manager.

The Applicants also seek an order under Section 20C of the Landlord and Tenant Act 1985 preventing the Landlord from seeking to recover the costs incurred in connection with proceedings before the Tribunal as part of the service charge.

## **Agreement**

The parties have agreed all relevant issues and have requested that the Tribunal makes an order in the terms of their agreement.

## **Order**

Upon the joint application of the parties as set out in the order and noting their agreement the Tribunal makes the order annexed.

**PROPERTY CHAMBER**

**NORTHERN RESIDENTIAL PROPERTY FIRST-TIER TRIBUNAL**

**REF: MAN/00BY/LAM/2014/0004**

**IN THE MATTER OF S.24 (1) LANDLORD & TENANT ACT 1987 & SECTION 20(C)  
LANDLORD AND TENANT ACT 1987**

**PREMISES: THE NATIONAL BANK BUILDING, 24 FENWICK STREET, LIVERPOOL  
L2 7NE**

**BETWEEN:**

**MICHAEL MCGOWAN & OTHERS**

**(Applicants)**

**and**

**ADRIATIC LAND (GR4) LIMITED**

**(First Respondent)**

**OM PROPERTY MANAGEMENT LTD**

**(Second Respondent)**

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**ORDER**

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**UPON** the Applicants' and the First Respondent's request for the First -Tier (Tribunal) Property Chamber ("Tribunal ") to discharge its order dated 1 December 2009 for an appointment of manager ("the Order") in respect of the National Bank Building, 24 Fenwick Street Liverpool L2 7NE ("the Premises").

**AND UPON** the Second Respondent agreeing to a discharge of the Order.

**AND UPON** the Tribunal agreeing to discharge the Order pursuant to Section 24(9) of the Landlord and Tenant Act 1987 and making a new order to appoint a Tribunal appointed manager.

**IT IS ORDERED THAT:**

1. Mr Peter Jones of Keppie Massie is hereby appointed as the new manager (“the New Manager”) of all the premises and communal parts and areas as defined in the leases of the Premises.
2. The appointment shall be for a period of five years with effect from 3 November 2014 (“the Handover Date”).
3. The Second Respondent will hand over all uncommitted service charge to the New Manager as soon as practicable after the Handover Date. The Second Respondent will provide the New Manager with:
  - (i) The last 3 years service charge accounts
  - (ii) All documents, report, correspondence or otherwise that are relevant to the current and future running and/or maintenance of the building as detailed in Schedule One and so long as they are within the Second Respondents custody.
  - (iii) Bank closing position
  - (iv) Final payment vis BAC’s (if applicable)
4. In the event of any ambiguity or contradiction in the powers, rights, obligations or duties of the New Manager the provisions of the leases, statute and regulatory bodies shall prevail.
5. The new manager’s responsibilities under this order shall include those ordered by the tribunal under the Order dated 1<sup>st</sup> December 2009 (tab 2 of the Applicants bundle) save for subsection 15 as to fees which should be replaced by the figures set out in Peter Jones witness statement dated 4<sup>th</sup> August 2014 at tab 6 of the Applicants bundle
6. All parties reserve the right to request further directions from the Tribunal if necessary.
7. The Tribunal shall make no order as to costs of the application pursuant to section 20(c) of the Landlord and Tenant Act 1985

**SCHEDULE ONE**

<b><u>SCHEDULE OF DISCLOSURE/ INFORMATION REQUEST</u></b>			
<b>Item</b>	<b>Flats 1 -28 National Bank Building</b>	<b>Y/N</b>	<b>Comment</b>
1	Copy of the current and any proposed service charge budgets		
2	Report regarding expenditure to date		
3	Rent details and service charge demands (ideally please supply a copy of the most recent demand)		
4	Details of outstanding invoices (not paid)		
5	Balance of service charge to be transferred		
6	Monies held in sinking fund and reserve funds		
7	Report regarding current service charge disputes		
8	Service charge apportionment schedule		
10	Supplier payment history		
11	Tenancy Schedule		
12	Up to date billing names and addresses		
13	Up to date arrears schedule for rent, service charge legal costs, insurance and other		
14	Payment dispute history		
15	Details of any on-going legal disputes		

16	Copy of all leases		
17	Records of licences permitting alterations, assignment and sub letting		
	Any current applications?		
18	Details of any current section 20 procedures		
19	Landlord electricity meter number and utility supplier, monthly readings		
20	Landlord gas meter number and utility supplier, monthly readings		
21	Landlord water meter number and supplier, monthly readings		
22	Copies of contractor and supplier contracts.		
23	Contractors contact details.		
24	Are there sub meters and how do you deal with apportionment and recovery of utilities costs?		
25	Entrance and building access codes		
26	Building key log and keys		
27	Lift and 'redcare' communication systems telephone numbers		
28	Copy of insurance policy		
29	Details of insurance claims history		
30	Details of on-going claims		
31	Copy of last insurance valuation		

32	Lift engineering inspection certificates		
33	Copy of building plans		
34	Details of existing warranties		
35	Building condition survey		
36	PPM program for fabric and M&E		
37	Health & Safety report (General Risk Assessment - GRA)		
38	Fire Risk Assessment (FRA)		
39	Asbestos survey		
40	Copy of most recent dry/wet riser certification		
41	Copy of most recent fire alarm system certification		
42	Copy of most recent emergency lighting certification		
43	Copy of most recent lightning protection certification		
44	Copy of most recent roof safety line/eye bolt certification		
45	Electrical test certificate		
46	Water hygiene test certificate		
47	CDM files (if appropriate)		
48	Any other maintenance records		
50	Any directly engaged or contract staff that might be candidates for TUPE transfer		

51	Details of landlord's rates liabilities		
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