



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

Case Reference : **CAM/26UK/LAM/2015/0005**

Property : **1 – 18 Biskra, 101 Langley Road,
Watford, Hertfordshire WD17 4PF**

Applicant : **Mr I Tong, Mr P Turnham and 8
other lessees**

Representative : **Mr Tong and Mr Turnham,
accompanied by Miss Muir and
Miss F Wilkie of FW Lettings Ltd**

Respondent : **Reo Estates & Property Investment
Co. Ltd**

Representative : **Mr Nunn of Rayners, managing
agents**

Type of Application : **Appointment of a Manager under
s24 Landlord and Tenant Act 1987
(the Act)**

Tribunal Members : **Tribunal Judge Dutton
Miss M Krisko BSc (Est Man)
FRICS
Mr N Maloney FRICS FIRPM MEWI**

**Date and venue of
Determination** : **23rd October 2015 at the
Magistrates Court, Watford**

Date of Decision : **26th October 2015**

DECISION

DECISION

The Respondent having withdrawn its objection to the appointment of a manager, the Tribunal appoints Miss Fenella Wilkie of FW Lettings Limited t/a John Whiteman & Co to be the Managing Agent for the property at 1 – 18 Biskra, 101 Langley Road, Watford Hertfordshire WD17 4PF (the Premises) upon the terms of the Order attached hereto for a period of two years commencing 1st November 2015.

REASONS

1. By an application dated 19th June 2015 Mr Tong and Mr Turnham, with the support of 8 other lessees sought the appointment of a manager for the Premises. The matter initially came before us on 25th September 2015, when evidence was taken. Following the hearing directions were issued including the requirement that the proposed manager attend before the Tribunal at a reconvened date.
2. By a letter dated 6th October 2015 Rayners, for the Respondent, indicated that they could not attend the reconvened hearing but that the Respondent had, in any event, withdrawn its objection to the appointment of a manager relying upon the Tribunal to make a suitable appointment. They asked that the appointment should take place on 1st January 2016 or within one month of the appointment.
3. On 23rd October 2015 we had the opportunity of meeting with Miss Fenella Wilkie the Managing Director of FW Letting Limited t/a John Whiteman & Co. She had been put forward as the proposed manager by the Applicants.
4. She told us that her company manages over 1000 flats in 58 blocks, all being local. There are 18 members of staff, both full and part time. She confirmed that her fees would be £200 plus VAT per flat for the first year and agreed to this rising to £210 plus VAT for each flat for the following year. She thought a two year appointment would be sufficient for her to deal with the outstanding issues. She wished for an initial payment of account to be made by the leaseholders of £250 for each flat and that she would issue a budget by the end of this year and seek payments on account relating thereto. She understood that the two blocks were held under different leases and would need to be managed accordingly. The car parking, garage yard and gardens would be dealt with as a communal expense and divided between the blocks on a 50:50 basis. She told us that she had garden and cleaning contractors lined up to start if she was appointed and was fully aware of her obligations to the Tribunal if she was appointed.
5. Her priorities were to get the windows and door in the common parts of both buildings repaired/replaced as soon as possible. In addition the external lighting needed urgent attention. She told us that she could call upon the services of chartered surveyors to assist when required. It was agreed that the accounting year would remain and that the Respondent would arrange the accounts to 31st October and she would arrange for the accounts to be prepared for the last two months of the year and thereafter during her appointment.
6. Mr Tong requested that the Order take effect immediately.

FINDINGS

7. We are satisfied from our discussion with Miss Wilkie and from perusing the documentation that was lodged prior to the reconvened hearing that she would be able to fulfill the role as a Tribunal appointed manager under s24 of the Act.
8. She had agreed that a period of two years would be sufficient although appreciated that she could seek an extension.
9. We have considered the request of Rayners on behalf of the Respondent that the Order should not take effect until 1st January 2016 or one month after the appointment, if later. We can see no justification for postponing the appointment. The property needs attention. On our inspection it was quite clear that the windows in particular in the common parts of both blocks were in urgent need of attention. In addition the existence of Japanese Knotweed in the garden needs to be eradicated as soon as possible. Further, we should say that if the Respondent had not withdrawn its objection we would have found that there had been failings as set out in the s22 notice which initiated these proceedings in any event. We do not consider that the premises or the Applicants will benefit if we delay the appointment and commencing same at the beginning of November is, we find, appropriate in the circumstances of the case.
10. We therefore appoint Miss Wilkie on the terms of the Order attached for a period of two years commencing 1st November 2015.
11. One final point was the request by Mr Tong for reimbursement of the fees paid to the Tribunal, being £440 for the application and £190 for the hearing. We declined to make an order this stage, wishing to allow the Respondents to submit any arguments in writing they wish us to consider on this point, within 14 days.

Tribunal Judge Dutton

26th October 2015

ANNEX - RIGHTS OF APPEAL

1. If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber) then a written application for permission must be made to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application for permission to appeal must arrive at the Regional office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.
3. If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal, and state the result the party making the application is seeking.