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

Case reference : LON/00BG/LVM/2017/0005

Property : 200 and 200A Finnis Street,
London E2 0DX

Applicant : 200 Finnis Street Ltd (Landlord)

Representative : Ms Douce Director of 200 Finnis
Street Ltd

Respondent : Mr L Freilich – Tribunal appointed
manager

Representative : N/A

Type of application : Application for a
variation/discharge of an order
appointing a Manager (section 24
Landlord and Tenant Act 1987)

Tribunal members : Judge Carr
Mr Geddes Dip Arch RIBA

Venue : 10 Alfred Place, London WC1E 7LR

Date of decision : 10th October 2017

DECISION

Decisions of the tribunal

- (1) The tribunal determines to discharge the management order.

The application

1. The Applicant seeks a determination pursuant to s.24 of the Landlord and Tenant Act 1987 ("the 1987 Act") varying or discharging an order appointing a manager.
2. The existing order of appointment is dated 23rd June 2015 and expires 30th June 2018.
3. The relevant legal provisions are set out in the Appendix to this decision.

The hearing

4. Ms Douce appeared for the Applicant. The Respondent did not appear nor was he represented.
5. The matter was adjourned so that the Applicant could provide the following information to the Tribunal:
 - (i) An official copy of the register of title of the property showing the freehold ownership of 200 Finnis Street Ltd.
 - (ii) Company documentation showing the directorship and shareholders of Finnis Street Ltd
 - (iii) An extract from the articles of the Company and the necessary authority showing that Ms Douce is entitled to represent Finnis Street Ltd in these proceedings.

The background

6. The background to the application is set out in the further directions issued by the Tribunal on 7th August 2017.
7. The further directions also provided that the matter would be determined on the basis of the papers in the week beginning 25th

September 2017. The determination was delayed because of holiday and other commitments of the Tribunal.

8. Neither party requested an inspection and the Tribunal did not consider that one was necessary, nor would it have been proportionate to the issues in dispute.

The issues

9. At the oral case management hearing the Tribunal identified the relevant issues for determination as follows:
 - (i) Will the proposed variation/discharge of the order result in a recurrence of the circumstances which led to the order being made?
 - (ii) Is it just and convenient in all the circumstances that the order is varied or discharged?

The determination

10. The evidence provided to the Tribunal at the oral hearing on 7th August was that in general the parties were agreed that discharge of the management order was the correct course of action. The parties have put in place satisfactory arrangements for the future management of the property.
11. The evidence provided by the parties indicated that there would be no recurrence of the problems that had led to the imposition of a management order. In particular Mr Wilkinson is no longer a director or shareholder of the freehold company. The company now has 4 directors all of whom are independently minded and professional.
12. The Tribunal had some concern about the status of the Applicants and asked them to provide the documentation set out above.
13. The documentation was provided, other than a Land Registry document showing that the Applicant was the freehold owner of the property. However communications with the Land Registry have been provided and the Tribunal is satisfied that the Applicant is in the process of changing the name of the registered proprietor.
14. The Tribunal is therefore satisfied of the status of the Applicant.

15. The Tribunal therefore determines to discharge the management order on the basis that there is no evidence that there will be a recurrence of the management issues that led to the imposition of the order and that in all the circumstances of the case it is just and convenient to discharge the order.

Judge Carr

10th October 2017