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

**Case Reference** : CAM/00MC/LVM/2016/0001

**Property** : Aveley House, Iliffe Close, Reading,  
RG1 2QF

**Applicants** : The leaseholders of flats 35, 39, 43, 44, 51,  
64, 69, and 71 at Aveley House

**Respondents** : (1) Countrywide Residential Lettings Ltd  
t/a Labyrinth Properties Ltd  
(2) Crest Nicholson (Eastern) Ltd  
(3) John Mortimer

**Date of Application** : 09 February 2016

**Type of Application** : For variation of an order appointing a  
Manager – section 24 of the Landlord and  
Tenant Act 1987 (“the Act”),

**Tribunal Members** : David S Brown FRICS (Chair)  
Bruce M Edgington (Judge)

**Date of Decision** : 16<sup>th</sup> May 2016

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**DECISION**

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In accordance with section 24 of the Landlord and Tenant Act 1987, the Tribunal Orders that –

- (i) the Management Order dated 9<sup>th</sup> May 2012 shall be extended to 31<sup>st</sup> May 2018 and
- (ii) Simon David Gwynn MRICS be appointed as the Manager in place of John Mortimer with effect from the date of this decision.

**STATEMENT OF REASONS**

1. The application was submitted by Sarah Wall of Flat 64, and included a list of a number of leaseholders of other flats in the Property. Ms Wall was directed

to provide written authority from the leaseholders whom she had authority to represent in these proceedings. Such authority was provided by the leaseholders of the flats listed above. As the Tribunal has had no communication from any of the other leaseholders at the Property, the Applicants are taken to be those leaseholders.

2. In a Directions Order, the Tribunal notified the parties that it proposed to make its determination on or after 3<sup>rd</sup> May but that if any party requested to be heard an oral hearing would be arranged. No such request has been made.
3. The original Management Order was made on 9<sup>th</sup> May 2012 and expires on 31<sup>st</sup> May 2016. It appointed John Mortimer of John Mortimer Property Management Ltd as the manager. The Application is to replace John Mortimer with Simon David Gwynn and to extend the Order for a further two years.

### **The Law**

4. Under section 24(9) of the Act, the Tribunal may vary the order on the application of any person interested. Subsection (9A) provides that the order must not be varied unless the Tribunal is satisfied that the variation will not result in a recurrence of the circumstances which led to the order being made and that it is just and convenient in all the circumstances of the case to vary the order.

### **Discussion and Decisions**

5. The application states that John Mortimer has retired from the company and wishes to be relieved of his ordered duties. A letter from John Mortimer confirms this.
6. Simon David Gwynn has provided details of his qualifications and experience in a witness statement. He states that he has been a member of the Royal Institution of Chartered Surveyors (MRICS) since 1999 and is the Managing Director of John Mortimer Property Management Limited and also a director of Mortimer Secretaries Limited and JMPM Investments Limited. He has been involved in the management of blocks of flats since 1988 and has specialised in this area since 1992. His experience has included day to day management of a range of sizes and types of residential property and his current role includes management of 9500 units in 450 buildings. He professes to have a full understanding of Landlord and Tenant legislation.
7. Countrywide Estate Management have written to the Tribunal to say that they have no objections to the application.
8. We have received no representations from Crest Nicholson (Eastern) Limited or from any of the leaseholders not listed above as Applicants.
9. We are satisfied from the evidence that Mr Gwynn is suitably qualified and experienced to take over as the manager of Aveley House. There is no evidence of any problems or shortcomings with the management of the Property under the order and no objections have been raised to the

appointment of Mr Gwynn or to the extension of the order. We are satisfied that the variations sought will not lead to a recurrence of the problems which led to the order being made and that it is just and convenient to make those variations.

10. We therefore appoint the said Simon David Gwynn MRICS as the manager of the Property, under the same terms as the order of 9<sup>th</sup> May 2012, and extend the period of the order to 31<sup>st</sup> May 2018.

**D S Brown FRICS (Chair)**

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## **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.