



18169

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

Case reference : LON/00AN/LAM/2018/0014
LON/00AN/LDC/2018/0156

Property : 384 Uxbridge Road London W12
7LL

Applicant : Corinne Audibert

Representative : Mr Ian Mitchell; Solicitor

Respondent : Celia Bushnell (first respondent)
Gurinderjeet Singh Suri, Baljit
Singh Suri, Mohinder Sign Suri
(second third and fourth
respondents)

Representative : Non attendance

Type of application : Appointment of Manager and
Application for the dispensation of
consultation requirements
pursuant to S. 20ZA of the
Landlord and Tenant Act 1985

Tribunal member(s) : Judge Professor Robert M. Abbey
Mr Peter Roberts (Professional
Member; DipArch RIBA)

Venue : 10 Alfred Place, London WC1E 7LR

Date of Hearing : 9th January 2019
Date of decision : 17 January 2019

DECISION

Preamble

1. This matter was dealt with by an oral hearing on the above date. A proposed consent order was handed to the tribunal to approve. The tribunal was unable to do so with regard to the entirety of the proposed order. It could approve the parts of the proposed order dealing with the time limited appointment of the interim manager, (see below), but not

otherwise. Bearing in mind the nature of the present application the tribunal indicated that what was required of the parties about the appointment of a manager was only possible if a fresh application for the appointment of a manager was made to this tribunal.

2. As part of the order the applicant proposed a provision allowing her legal costs of £4,000. The respondent did not agree to this element of the proposed order. On considering submissions in that regard the tribunal was of the view that it could not make such a costs order. The applicant sought to assert that these costs were in effect part of the remuneration of the interim manager, (as a disbursement), and therefore payable under section 24(5) of the above Act. The tribunal took the view that this was inappropriate as the costs arose prior to the appointment and were therefore not capable of being a part of the remuneration. The tribunal therefore declines to include a costs award. A second part of the proposed order was also not agreed by the parties and that related to a 10% fee payable to the interim manager on the cost of works carried out. The tribunal took the view that this was a proper remuneration for the interim manager and has therefore allowed such a fee as set out below.

3. Order

4. In this order the following terms shall have the following meaning: -

- A. The property” includes all those parts of the property known as 384 Uxbridge Road London W12 7LL under title number LN96547 comprised of the ground floor commercial unit and the 3 residential flats above and common parts (if any).
- B. “the landlords” means the first second third and fourth respondents or in the event of the vesting of the freehold title (LN 96547) or head lease (NGL 612815) of the property in another, the landlords successors in title.
- C. “unit holders” the ground floor commercial unit owner and the three residential long leaseholders at the property
- D. “the interim property manager” is Corinne Audibert
- E. “the works” the building/roof repairs arranged by the applicant and carried out by Vintage (UK) Limited costing £16,754.78

It is hereby ordered as follows:

5. This order is made in anticipation of a new application to this tribunal by the applicant for the appointment of a manager.
6. In accordance with s.24(1) of the Landlord and Tenant Act 1987 the tribunal hereby allows the retrospective appointment of the applicant as interim property manager of the property for the period 01 August 2018 to 30 September 2018, being the period she arranged the works.
7. The applicant shall be granted dispensation under S.20ZA of the Landlord and Tenant Act 1985 from the consultation requirements provided by section 20 of the Landlord and Tenant Act 1985 in relation to the works.
8. The applicant is authorised in her capacity as interim manager to issue service charge demands to the unit holders in relation to the works and to apply a charge of 10% of the total costs of the works.
9. The interim manager shall during the above mentioned period manage the property in accordance with:
 - (a) The directions and schedule of functions and services attached to this order;
 - (b) The respective obligations of the landlord and the leases by which the flats at the Property are demised and in particular with regard to repair, decoration, provision of services and insurance of the Property.

Name: Judge Prof Robert M
Abbey

Date: 17 January 2019

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

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.

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.

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.

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.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).

DIRECTIONS

1. The interim manager shall be entitled to remuneration (which for the avoidance of doubt shall be recoverable as part of the service charges of leases of the Property) in accordance with the provisions of the above order.
2. The interim manager shall be entitled to apply to the Tribunal for further directions.

SCHEDULE OF FUNCTIONS AND SERVICES

Service charge

- (i) Demand and collect service charges and other payment due from the lessees in relation to the works.
- (ii) Instruct solicitors to recover unpaid service charges and any other monies due in relation to the works.

Accounts

- (i) Maintain efficient records and accounts regarding the cost of the works which are open for inspection by the lessor and lessees. Upon request, produce for inspection, receipts or other evidence of expenditure.