



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

Case reference : **LON/00AN/LVM/2020/0013**

HMCTS code (paper, video, audio) : **P: PAPER REMOTE**

Property : **127 Coningham Road, London W12 8BU**

Applicant : **Ms J Roznowska Bsc MIRPM
AssocRICS, Tribunal Appointed
Manager**

Representative : **In Person**

Respondents : **Optionjoin Limited and the long
lessees of flats at the Property**

Representative : **Not known**

Type of application : **Appointment of Manager**

Tribunal member : **Judge N Hawkes**

Venue : **10 Alfred Place, London WC1E 7LR**

Date of decision : **22 December 2020**

DECISION

Covid-19 pandemic: description of hearing

This has been a remote determination on the papers which has not been objected to by the parties. The form of remote determination was P: PAPER REMOTE. A face-to-face hearing was not held because it was not practicable and all issues could be determined on paper. The documents that the Tribunal was referred to are the application form and a bundle of 53 pages filed by the

Applicant, the contents of which I have noted. The order made is described below.

Decision of the Tribunal

The term of the Management Order which was made on 20 September 2018 in application reference LON/00AN/LAM/2018/0008 is extended for a period of two years from the date of this decision. Accordingly, the Management Order, as varied, shall expire on 22 December 2022.

The Tribunal's Determination

1. By an application dated 14 September 2020, the Applicant seeks the variation of a Management Order under section 24(9) of the Landlord and Tenant Act 1987 ("the 1987 Act").
2. The existing Management Order is dated 20 September 2018 and it appoints the Applicant as Manager of 127 Coningham Road, London W12 8BU ("the Property").
3. This Management Order was expressed to expire on 14 September 2020 but, by an interim order which was made on 8 September 2020, it was extended until the final determination of this application.
4. The Tribunal has been informed that the Property is a Victorian house which has been converted into four flats, each of which is held on a long lease.
5. All of the leaseholders are directors of the landlord company, Optionjoin Limited.
6. The Applicant seeks a two year extension of the term of the Management Order to enable major works to be carried out to the Property.
7. Section 24(9) of the 1987 Act provides:

24.— Appointment of manager by a tribunal

...

(9) The appropriate tribunal may, on the application of any person interested, vary or discharge (whether conditionally or unconditionally) an order made under this section; and if the order has been protected by an entry registered under the Land Charges Act 1972 or the Land Registration Act 2002, the tribunal may by order direct that the entry shall be cancelled.

(9A) The tribunal shall not vary or discharge an order under subsection (9) on the application of any relevant person unless it is satisfied—

(a) that the variation or discharge of the order will not result in a recurrence of the circumstances which led to the order being made, and

(b) that it is just and convenient in all the circumstances of the case to vary or discharge the order.

8. The Applicant gives the following reasons for making this application:

“Further to my appointment as a manager in September 2018, I would like to confirm that my experience has been in general very pleasant. I am delighted to confirm that to date I have managed to complete all fire preventative works to the common parts, redecorate and replace the carpets throughout. The refreshed common parts and overhauled front garden have a definite impact on the residents’ experience when entering or leaving the building.

The only outstanding issue, which demonstrated to be the most challenging, is the intention to carry out external repairs and redecorations. As it stands, the building is probably one of the worst looking on Coningham Road and I am desperate to have the works done. I have asked the Tribunal for consideration of my repairing obligations and currently awaiting further instructions on this (Case LON00AN/LSC/2020/0038). Unfortunately, due to an old unresolved matter combined with a lack of agreement between the directors, it proved to be impossible to even start the necessary consultation, hence my application to extend my appointment as the manager to enable me to start and complete the project.

All leaseholders have been paying their service charges and contributions towards reserves as demanded.”

9. By Directions dated 20 October 2020, the Respondents were directed to file and serve any statement of case in response to the Applicant’s application by 16 November 2020. None of the Respondents has sought to make any representations in response to this application.
10. Section 24(9) of the 1987 Act gives the Tribunal a broad discretion. Having considered all of the evidence which has been provided by the Applicant and having noted the absence of any opposition to the proposed extension of the Management Order on the part of the Respondents, I am satisfied that the criteria set out in section 24(9) are satisfied.
11. In all the circumstances, I find that it is just, convenient and appropriate to vary the Management Order by extending its term for 2 years from the date of this decision.

Name: Judge N Hawkes

Date: 22 December 2020

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).