

RESIDENTIAL PROPERTY TRIBUNAL SERVICE

Southern Rent Assessment, and
Leasehold Valuation Tribunal

Case No: CHI/00MW/LAM/2007/003

**Re: Cliff House, Bonchurch Shute, Ventnor
Isle of Wight**

BETWEEN

Mr R Moss & other lessees - 'the Applicants'

AND

Cliff Investment Properties Ltd - 'the Respondents'

DETERMINATION AND ORDER

in respect of an application for the discharge and variation of an Order for the appointment of a Manager, under

Section 24, Landlord & Tenant Act, 1987

Tribunal

David M Nesbit JP FRICS FCI Arb

Cliff House, Bonchurch Shute, Ventnor

1. By application dated 23rd October 2007, by Mr R Moss, the lessee of Flat 2, Cliff House, an Order was sought to appoint a new Manager following the proposed resignation of the current Manager, Mr Cameron Chick.
2. Copies of the application were sent to the freeholders, Cliff Investment Properties Ltd, and to all lessees inviting any representations.
3. Subsequently relevant information was provided about the nominated Manager, Mrs Rebecca Blake BSc (Hons), including confirmation of her willingness to be appointed.
4. The freeholders raised various issues that were outstanding affecting the maintenance and management of the property.
5. Written confirmation was received from lessees, and the freeholders, confirming agreement to the proposed change of Manager without a formal Hearing.
6. By prior arrangement, the Tribunal made an inspection of the property on December 11th 2007. A meeting was held with Mr B Acutt for the freeholders, Mr R Moss for the lessees and Mrs R Blake. All parties were in agreement that the Tribunal confirms the application.
7. Following a full review of the application and case papers, and noting the views of the parties, the Tribunal is satisfied that the variation or discharge 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 of the circumstances of the case to do so.

IT IS HEREBY ORDERED

8. 8.1 That the appointment of Mr Cameron Chick as Manager and Receiver be discharged as at 25th December 2007, and that Mrs Rebecca Blake BSc be appointed from that date.
- 8.2 That Mr Cameron Chick provides all management and accounting information relating to the property and of individual lessees to the new Manager at the earliest opportunity, and in any event by 31st January 2008.

8.3 That Mr Cameron Chick arranges for audited accounts to be prepared for each financial year of his appointment, to be provided to the new Manager by 31st March 2008.

8.4 That Mr Cameron Chick will transfer to the new Manager all monies held for the credit of the property and of individual lessees within 14 days, together with all bank statements, invoices, documents and notices relevant to the Property.

8.5 That Mr Cameron Chick be entitled to remuneration as previously determined to 24th December 2007.

8.6 That Mrs Rebecca Blake BSc (Hons), BSC Management Services, 4 The Courtyard, Ashengrove, Calbourne, Isle of Wight, be appointed as Manager and Receiver of the Property with full authority and powers to act in the management, administration and maintenance of the Property in accordance with the terms of the lease for the Property.

8.7 That appointment will commence from 25th December 2007, with remuneration at the rate of £125.00 per flat per annum, plus Value Added Tax, together with the actual cost of expenses directly incurred.

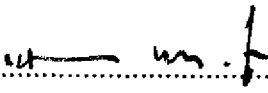
8.8 The Manager will have authority to issue demands for and seek the recovery of all payments due from all lessees in accordance with the lease terms, including the power to take steps for the recovery of all monies properly payable by any party, including any arrears and to institute proceedings as required.

8.9 That this appointment be applicable for a period of 2 years from 25th December 2007.

8.10 The Manager will undertake the appointment in accordance with the Service Charge Management Code issued by The Royal Institution of Chartered Surveyors, approved under Section 87, the Leasehold Reform, Housing and Urban Development Act, 1993.

8.11 That the Manager will account to the freeholders for all monies collected on their behalf on a regular basis, and will provide appropriate accounting documents. That the Manager will maintain a separate clients' account in the name of Cliff House, and will provide full information to the Cliff House Residents' Association.

8.12 The Manager may apply in writing to the Tribunal on any matter relating to the terms of this appointment.

Signed:.....  Dated: 4th January 2008

DAVID M NESBIT JP FRICS FCI Arb
A member of the Panel appointed by the Lord Chancellor