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MAN/00EH/LAM/2011/0009

**HM COURTS & TRIBUNAL SERVICE**  
**Decision / Reasons of a**  
**LEASEHOLD VALUATION TRIBUNAL**  
**Of the**  
**NORTHERN RENT ASSESSMENT PANEL**

**Applicants:** (1) Mr Tim Wilks  
(2) Mr Simon Brown

**Respondents:** Grade Purdie AKA Grace Darling Wilkinson of unknown address

**Property:** 65 Woodland Road, Darlington DL3 7BQ

**Application:** For the appointment of a Manager under Section 24 of the Landlord and Tenant Act 1987

**The Tribunal :** Mr A. Robertson  
Mr I. D. Jefferson

**Background**

1. The Applicants, on 24 October 2011, applied to the Tribunal for the appointment of a manager under Section 24 of the Landlord and Tenant Act 1987 ('the Act') in respect of the property. The Respondent Landlord's present address is unknown, there is no contact between the Applicants and the Respondent and none of the landlords management duties set out in the 4 lease have been carried out.
2. The Property is a four storey mid terrace late Victorian house converted into 4 self-contained flats, one on each floor, in about 2002.
3. The Applicants, in their application, state that there are a number of issues, including specifically the roof and communal areas where there has been no maintenance for over three years.

4. The Tribunal inspected the common parts of the building including the front garden, rear car park, hall, staircases and landings and the roof and external fabric on Thursday 19 January 2012.

### **Hearing**

5. A hearing was held at Teeside Combined Court, Middlesbrough on 19 January 2012, at which Mr Wilks, the first Applicant was the only party present.
6. After hearing the first Applicant the Tribunal adjourned until 1 March to enable the Applicant to:-
  - I. Make further efforts to contact the Respondent to advise her of the proceedings.
  - II. Obtain written confirmation from the second Applicant, Mr Brown, that he wished to support the application as a party.
  - III. Obtain details of the person, their qualifications and experience, proposed as manager.
7. The Respondent, if contacted, was invited to make submission to the Tribunal by 1 March 2012.
8. The parties were advised that the adjourned determination would be a paper exercise unless the parties asked for a further hearing, or the Tribunal considered it necessary. No such request was made by the parties and the Tribunal considered the Applicants' responses to the further directions of 23 January 2012, and the Application on 1 April 2012.

### **Applicants further submissions**

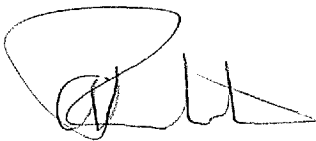
9. The first Applicant emailed the Tribunal on 16 February 2012 advising that he had written as requested on 3 February 2012 to the Respondent at two addresses she had previously occupied. One letter had been returned marked 'addressee gone away' and the second, which was sent by recorded delivery, was still in the Royal Mail system.
10. On 20 March 2012 the Tribunal received a copy of the letter sent to the Respondent and copies of 2 Royal Mail notes advising that in each case the addressee had 'gone away'.
11. The second Applicant, Mr Brown, in a letter received by the Tribunal on 2 February 2012 confirmed that he owned the garden flat and that he seeks the approval of the Tribunal to move forward with Kingston Properties as being

responsible for maintenance. He is concerned that unless this happens the property will fall into serious disrepair.

12. A copy email from Colin Ord of Kingston Property Services advises that the proposed appropriate person for the purposes of management is Mrs Lynne Brown MIRPM who has nine years property management experience.

### **Tribunal Decision**

13. Section 22(1) of the Act requires an applicant to serve notice on the Landlord advising him of the grounds on which the Tribunal would be asked to make an order appointing a manager, and requiring him to take steps to remedy such matters as are capable of being remedied.
14. A Tribunal may by order dispense with the requirement under Section 22(1) where it is satisfied that it is not reasonably practical to serve such notice.
15. The Applicant's have made considerable efforts to contact the Respondent but without success. The Tribunal are satisfied that it is not reasonably practical to serve such notice and by order dispense with the Section 22(1) requirements.
16. The Tribunal are satisfied from the evidence before it that the Landlord is in breach of her management obligations under Clause 5 and the Third Schedule of the Lease. There has been no contact between the Applicants and the Respondent for at least 3 years and such works as have been carried out at the property have been done by the Applicants.
17. The Tribunal believe that the circumstances set out in Section 24(2)(b) of the Act, "where the Tribunal is satisfied that...circumstances exist which make it just and convenient for the order to be made" are appropriate.
18. The Tribunal make an order in the terms set out in the appendix to this decision.



Mr A. Robertson

Chairman of the Leasehold Valuation Tribunal

17 April 2012

## APPENDIX

### ORDER FOR APPOINTMENT OF MANAGER IN RELATION TO 65 WOODLAND ROAD, DARLINGTON UNDER SECTION 24 OF THE LANDLORD AND TENANT ACT 1987

1. Mrs LYNNE BROWN of Kingston Property Services is hereby appointed manager and receiver ('the Manager') of 65 Woodland Road, Darlington DL3 7BQ ('the Property') pursuant to Section 24(1) of the Landlord and Tenant Act 1987
2. The appointment shall be for a period expiring 31 December 2014 and shall commence on 1 May 2012.
3. The service expenses shall be dealt with annually as provided in clause 2 of the leases but the first period for which the Manager is responsible will be for 1 May – 31 December 2012.
4. The manager shall carry out the management obligations of the Lessor and Lessor's Managing Agents in accordance with the provision of the leases and in particular and without prejudice to the generality of the foregoing:-
  - a) She should establish a service charge account and reserve fund account for the property;
  - b) She should forthwith ensure that the property is fully and properly insured;
  - c) She should observe the Lessor's covenants under the leases in regard to insurance, repairs, improvements and maintenance of services;
  - d) She shall enforce the lessees covenants;
  - e) She shall comply with all statutory requirements, including those set out in the Landlord and Tenant Act 1985 and 1987, as amended'
  - f) She shall comply with the requirements of RICS Residential Management Code of Practice and any other code approved from time to time by the Secretary of State under Section 87 of the Leasehold Reform and Urban Development Act 1993;
5. From the date of appointment and throughout the Manager must ensure that she has appropriate professional indemnity cover in the sum of at least

£500,000 and shall provide a copy of the appropriate cover note on request to the Tribunal.

6. The manager shall be entitled to reasonable remuneration for her service (which for the avoidance of doubt shall be recoverable as part of the service charges under the leases) and shall not exceed £115 plus VAT per annum per flat. An additional fee not exceeding £45 plus VAT per unit may be charged in respect of any necessary consultation under Section 20 of the Landlord and Tenant Act 1985.
7. The Manager shall have permission to apply to the Tribunal for further direction or orders in relation to the above matters.