



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

Case reference : **LON/00AK/LVM/2015/0001**

Property : **Orpington Mansions, Orpington
Road, London N21 3PJ**

Applicant : **Paul Cleaver**

Representative : **Urang Property Management
Limited**

Respondents : **The respondents listed in the
application and in the direction
dated 6.2.15**

Representative : **In person**

Type of application : **For the discharge of an order
appointing a manager**

Tribunal Members : **Ms N Hawkes
Mr L Jarero BSc FRICS**

**Date and venue of
paper determination** : **24th March 2015 at 10 Alfred Place,
London WC1E 7LR**

Date of decision : **24th March 2014**

DECISION

Decisions of the Tribunal

- (1) The Tribunal determines that this application is stayed until 24th June 2015 in order to give the respondents the opportunity to take independent legal advice and to make an application to the Tribunal for the appointment of a new manager, should they wish to do so.
- (2) If an application is made to the Tribunal for the appointment of a new manager, any interested party may apply to the Tribunal to lift the stay and ask for this application to be heard together with the application for the appointment of a new manager. This will potentially enable the management of the property to be transferred directly from the current manager to any new Tribunal appointed manager.
- (3) The Tribunal orders that, if no application is made to lift the stay by 4pm on 24th June 2015:
 - a. the order dated 26th November 2012 appointing the applicant as manager will be discharged on 25th June 2015; and
 - b. if the order appointing the applicant as manager has been registered against the title to the property in accordance with section 24(8) of the Landlord and Tenant Act 1987, the entry shall be cancelled.

The application

1. By an order dated 26th November 2012, a Tribunal appointed the applicant as a manager under section 24 of the Landlord and Tenant Act 1987 for an indefinite period with the proviso that, after the end of the period of two years from the commencement of the management, an application could be made for the order to be discharged.
2. The reasons for the making of the order are set out in detail in the Tribunal decision of 26th November 2012, case reference LON/00AY/LAM/2012/0014.
3. The initial period of two years having expired, the applicant manager now applies for the order appointing him to be discharged. The Tribunal has received written representations from the leaseholders of flats 1 and 4.
4. The leaseholders of flat 1 state in a response addressed to the applicant: "we certainly don't intend to contest your replacement by the FTT; indeed would argue it an absolute necessity for the sake of our property".

5. The leaseholders of flat 4 state that they support the applicant's application to be discharged from his management responsibilities and they give the Tribunal detailed reasons for adopting this position.
6. Further they state: "We believe that existing disagreements between some leaseholders mean that, regrettably, another manager should be appointed rather than leaseholders being directed to self-manage. We would ask that the Tribunal advises on this and/or makes such an appointment."

7. Subsection 24(9) of the Landlord and Tenant Act 1987 provides:

(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. In light of the decision dated 26th November 2012 and the submissions received from the respondents, the Tribunal considers that the immediate discharge of the applicant as manager before the respondents have had the opportunity to apply to the Tribunal for the appointment of a new manager could result in a recurrence of the circumstances which led to the order being made in 2012.
9. The Tribunal cannot appoint a manager of its own motion. By section 24(1) of the 1987 Act the Tribunal may "on an application for an order under this section" by order appoint a manager. Further the Tribunal cannot provide the parties with legal advice.
10. The Tribunal considers that a three month period would be sufficient to enable the respondents to take independent legal advice, to identify any proposed new manager and to make an application to the Tribunal for the appointment of a new manager should they wish to do so.

11. Accordingly, the Tribunal determines this application is stayed pursuant to rule 6(3)(m) of the Tribunal Procedure Rules 2013 until 24th June 2015 in order to give the respondents the opportunity to take independent legal advice and to make an application to the Tribunal for the appointment of a new manager should they wish to do so.
12. If an application is made for the appointment of a new manager, any interested party may apply to the Tribunal to lift the stay and ask for this application to be heard together with the application for the appointment of a new manager. This will potentially enable the management of the property to be transferred directly from the current manager to any new Tribunal appointed manager.
13. The Tribunal orders that, if no application is made to lift the stay by 4pm on 24th June 2015:
 - (i) the order dated 26th November 2012 appointing the applicant as manager will be discharged on 25th June 2015; and
 - (ii) if the order appointing the applicant as manager has been registered against the title to the property in accordance with section 24(8) of the Landlord and Tenant Act 1987, the entry shall be cancelled.
14. The Tribunal considers that it is just and convenient in all the circumstances of this case to discharge the order dated 26th November 2012 on 25th June 2015 if no application is made to lift the stay by 4 pm on 24th June 2015.

Judge N Hawkes

Date 24th March 2015