



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

Case reference : **LON/00AM/LVM/2017/0011**

Property : **Various flats at 42 Hoxton Square
London N1 6PB
Hoxton Square Ltd(freeholder) (1)
Marcel Kreis (leaseholder of flat 1)
(2)**

Applicant : **Noel Winder and Kym Pearce
(leaseholders of flat 2) (3)
Russel and Dawn Chopp
(tenants/leaseholders of
Commercial Unit)**

Representative : **N/A**

Respondent : **Ms Mary-Anne Bowring of Ringleys
Limited – Tribunal appointed
manager**

Representative : **Ringley Law**

Type of application : **Application for a
variation/discharge of an order
appointing a Manager (section 24
Landlord and Tenant Act 1987)**

Tribunal members : **Judge Carr**

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

Date of decision : **18th December 2017**

DECISION

9. In the directions the Tribunal identified the relevant issues for determination as follows:
- (i) Will the proposed variation/discharge of the order result in a recurrence of the circumstances which led to the order being made?
 - (ii) Is it just and convenient in all the circumstances that the order is varied or discharged?

The determination

10. The Applicants argue that the tribunal appointed manager, Ms Mary-Anne Bowring of Ringley Limited, has not managed the property but inadequately delegated that function to other employees of Ringley.
11. They also argue that the fees and expenses charged by Ringley have increased to an unacceptable and unjustifiable level. They argue that they are able to provide the necessary services and works for a lower cost, for instance they inform the tribunal that they have reduced costs for insurance and for electricity.
12. There is unanimity amongst the leaseholders that they want the appointment of Ringley terminated with immediate effect so that they can manage the building in a more cost effective, fair and transparent manner.
13. The Respondents oppose the early discharge on the grounds that they would like to hand over management of the property in a timely and orderly way. They are not seeking the renewal of the court appointment for the management of the property.
14. They argue that it is not uncommon practice for appointment managers to delegate management issues. They also argue that it is difficult to manage a property where there is a lack of funds. They provide an explanation for charges and email trails suggesting that they have put these explanations to the Applicants.
15. The Respondents did not provide details of arrangements to hand over up-to-date service charge accounts and the balance of service charge monies.

The decision of the Tribunal

16. The Tribunal determines to terminate the management order from December 31st 2017.

The reasons for the decision

17. There is no evidence provided by the parties to indicate that there would be a recurrence of the problems that had led to the imposition of a management order. In particular the factual situation with a new freeholder company managed by the leaseholders indicates that, on the balance of probabilities, there will be no recurrence of the problems.
18. There is clearly a breakdown in relationships between the parties which suggests that it would be just and convenient to terminate the order. No evidence has been provided to suggest the contrary. Indeed Ringley refers to the current arrangement as a forced marriage.
19. The Tribunal therefore determines to discharge the management order on the basis that there is no evidence that there will be a recurrence of the management issues that led to the imposition of the order and that in all the circumstances of the case it is just and convenient to discharge the order.
20. The order will terminate on 31st December 2017 and the manager will hand over up-to-date service charge accounts, the balance of service charge monies, and a statement showing how the sums handed over is reached, starting with an opening balance and ending with a closing balance and showing all transactions in between.

Judge Carr 18th December 2017