



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

**Case Reference** : CHI/00ML/LYM/2015/0004

**Property** : 199, Kingsway, Hove BN3 4FD

**Applicants** : Ms Kirsty Marshall

**Representative** :

**Respondent** : 199 Kingsway Hove Limited

**Representative** :

**Type of Application** : Variation of Appointment of Manager:  
Landlord and Tenant Act 1987

**Tribunal Member(s)** : Judge D Agnew

**Date of Decision and Order** : 4<sup>th</sup> June 2015

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**DECISION AND ORDER**

1. The Applicant was appointed manager of 199 Kingsway, Hove BN3 4FD ("the Property") by the Tribunal on 6<sup>th</sup> August 2014.
2. By an application dated 26<sup>th</sup> January 2015 the Applicant applied to the Tribunal for a variation of the order appointing her manager by appointing in her stead Mr Gareth Elliott. The reason for the application was that business commitments had taken the Applicant out of the area and she felt that she could no longer properly fulfil her role as Tribunal appointed manager for the Property.
3. Mr Elliott is a Director of Pepper Fox Limited which is also the Applicant's company. He is a Tribunal appointed manager of another property in Hove.
4. Directions were issued on 9<sup>th</sup> March 2015. These provided for, amongst other things, the application to be dealt with by way of a paper determination without an oral hearing unless any party objected and for the application to be served on all the long lessees of the Property and for them to be informed that they could apply to be made a party to the proceedings if they so wished. No one objected to the paper determination procedure and no lessee asked to be joined as a party to the proceedings. In fact, two of the lessees wrote to consent to the change of manager as proposed.

### **Decision**

5. In all the circumstances the Tribunal agrees to vary the order appointing Ms Marshall to be the Tribunal-appointed manager of the Property by substituting Mr Gareth Elliott of Pepper Fox, 100-102 Church Road, Hove BN3 2EB as manager on the same terms as those upon which Ms Marshall was appointed on 6<sup>th</sup> August 2014. The appointment of Mr Elliott is to last until 5<sup>th</sup> August 2017. It is ordered accordingly.

Judge D. Agnew

4<sup>th</sup> June 2015

### Appeals

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.

3. If the person wishing to appeal does not comply with the 28-day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.

4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking