



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

<b>Case reference</b>	:	<b>LON/00AN/LVM/2016/002 and 003</b>
<b>Property</b>	:	<b>5 Peterborough Villas London SW6 2AT</b>
<b>Applicants</b>	:	<b>Andrew Strong (First Applicant) Jackie Payne (Second Applicant)</b>
<b>Representative</b>	:	<b>-</b>
<b>Respondent</b>	:	<b>Renuke Wickramaratne, Enrique Britto and Marcus Shields</b>
<b>Representative</b>	:	<b>-</b>
<b>Type of application</b>	:	<b>Appointment of Manager</b>
<b>Tribunal member(s)</b>	:	<b>Professor Robert M Abbey (Solicitor) Aileen Hamilton-Farey FRICS</b>
<b>Venue</b>	:	<b>10 Alfred Place, London WC1E 7LR</b>
<b>Date of decision</b>	:	<b>28 April 2016</b>

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**DECISION**

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1. In accordance with section 24(1) Landlord and Tenant Act 1987 Andrew Strong of Atlantis Estates 23/24 Market Place Reading RG1 2DE ('the Manager') is discharged as Manager of the property at 5 Peterborough Villas London SW6 2AT ('the Property') upon the terms and conditions hereinafter set out.
2. The current appointment shall continue until 1 November 2016 when the discharge shall take effect such that on that date the first applicant will be fully discharged from the position of Manager of the property.

3. The Manager will on 1 July 2016 renew and maintain appropriate building insurance for the Property to the intent that on the said insurance renewal date there will be a proper insurance policy in place for the property with a reputable insurance company upon terms similar to those that existed prior to the renewal date.
4. The First Applicant is to nominate and appoint a Chartered Surveyor to carry out a survey to check for possible dampness at the Property and if dampness is found to advise on the remedial treatment required to eradicate such damp. The fees of the Chartered Surveyor will be payable as a service charge by all the tenants in the property. The First Applicant is required to be in possession of a report from the Chartered Surveyor by no later than 1st June 2016 and to immediately thereafter issue copies of the report to all the tenants.
5. Subsequently the First Applicant is to immediately progress the statutory process for carrying out the remedial works described by the Chartered Surveyor with a view to having these remedial works completed prior to his discharge on 1 November 2016.
6. The Second Applicant is ORDERED to give reasonable Access to the Chartered Surveyor nominated by the First Applicant.
7. Up to the 1 November but not beyond the Manager shall manage the Property in accordance with:
  - (a) The directions and schedule of functions and services attached to the order or orders by which the Manager was appointed and or ordered to continue to manage the property;
  - (b) The respective obligations of the landlord and the leases by which the flats at the Property are demised by the Respondent and in particular with regard to repair, decoration, provision of services and insurance of the Property; and
  - (c) The duties of a manager set out in the Service Charge Residential Management Code ('the Code') or such other replacement code published by the Royal Institution of Chartered Surveyors and approved by the Secretary of State pursuant to section 87 Leasehold Reform Housing and Urban Development Act 1993.
8. On or before 1 November 2016 the First Applicant is to hand over to the freeholder the following :-
  - (i) All deeds and documents relating to the Property
  - (ii) All sets of accounts relating to the management of the property
  - (iii) All bank statements relating to the service charges and other payments and receipts made in respect of the Property

- (iv) A service charges reconciliation statement
- (v) Subject to the provisions set out below the balance of any monies held by the Manager on behalf of the freeholder and or any of the tenants of the Property, (“the final refund”).

9. The final refund mentioned in paragraph 9 (v) of this decision will be calculated as follows. If there are monies standing to the credit of the tenants then the Manager will select the lowest credit balance and will reimburse any amount in excess of that lowest credit balance to the other tenants. (So, as an example only, should there be four credit balances of £1000, £2000, £2500 and £2750 the lowest credit balance is £1000 and the other three will be entitled to refunds of £1000, £1500 and £1750). The Manager is required to issue and post cheques on or before 1 November 2016 for any such refunds to the tenants entitled to receive a reimbursement. The retained money will represent the final refund to be paid by the Manager to the freeholder pursuant to clause 9 (v) above.

10. If one has been registered the Manager shall remove any restriction registered against the landlord’s registered title pursuant to the original order making the appointment of the Manager under the Land Registration Act 2002, or any subsequent Act.

**Name:** Professor Robert M. Abbey    **Date:** 28 April 2016