

Residential Property Tribunal Service

**SOUTHERN RENT ASSESSMENT PANEL
& LEASEHOLD VALUATION TRIBUNAL**

Case No: CHI/24UP/LVM/2009/0001

Re: **Meon Gardens, Church Road, Swanmore, Nr Southampton SO32 2TN**

Between

**Miss Brenda Colwell, &
Meon Gardens Residents Association**

The Applicants

&

Longmint Limited

The Respondents

**Application under Section 24, Landlord & Tenant Act 1987
for the reappointment of a Manager**

1. By application dated 9th February 2009, Miss Brenda Colwell, the lessee of 12 Meon Gardens, applied to the Tribunal for an Order to reappoint Mr Martyn Brown BSc MRICS as Manager and Receiver for a further period.
2. Copies of the application were sent to the Respondents. This Tribunal issued Directions dated 11th February 2009 with a timetable for representations to be received and proposing that the application be dealt with on consideration of written representations without a formal Hearing.
3. The present Manager was appointed by this Tribunal, following a Hearing and Reasons dated 11th December 2006, for an initial period of two years with effect from 1st April 2007.
4. The application includes an extended report from Mr Martyn Brown as Manager dated 23rd February 2009, which provided detailed information regarding the administration, management and maintenance of the property and outlined the progress that had been made with the co-operation of all parties. The report confirmed Mr Brown's willingness to be reappointed and proposed that reappointment for a longer period would help with continuity and stability for the residents.
5. Full details having been sent to the Respondents, Juliet Bellis & Co, solicitors for Longmint Limited, by letter dated 16th March 2009, confirmed that Longmint Limited would agree to an extension of Mr Brown's appointment, without prejudice to Longmint's right to apply for a discharge of the Order if their position changed in the future.

6. The Law

7. Section 24 (9), Landlord & Tenant Act 1987 as amended states that a Leasehold Valuation Tribunal may on the application of any person interested, vary or discharge (whether conditionally or unconditionally) an order made under this Section.
Section 9 (A) 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 of the circumstances of the case to vary or discharge the order.
8. This Tribunal has fully reviewed the case papers, the report from the current Manager, and the views expressed on behalf of Longmint Limited.
9. This Tribunal is satisfied that the requirements of Section 9 (A)(a) & (b) are met and the application be granted, and that it is appropriate that the present Manager be reappointed and for an extended period of three years.

IT IS HEREBY ORDERED THAT

- A) Mr Martyn Brown BSc MRICS, The Old Manor House, Wickham Road, Fareham, Hants, be reappointed as Manager and Receiver of Meon Gardens, Church Road, Swanmore, Hants, for a period of three years with effect from 1st April 2009.
- B) That the terms and conditions of the original Order continue to apply in all respects.
- C) The Manager, the Applicants and the Respondents have permission to apply to the Tribunal for any further Order.
- D) The Manager shall provide to the Tribunal within 14 days of the date of this Order, a copy of his current professional indemnity policy covering his appointment, and annual renewal confirmations thereafter.

Signed:..........

Dated: 26th March 2009

David M Nesbit JP FRICS FCI Arb
Chairman
A Member appointed by
the Lord Chancellor