

**RESIDENTIAL PROPERTY TRIBUNAL SERVICE  
SOUTHERN RENT ASSESSMENT PANEL &  
LEASEHOLD VALUATION TRIBUNAL**

Case No: CHI/40UB/LVM/2010/0009

Re: Bishops Mill Apartments, West Street, Wells, Somerset, BA5 2HH

**Between:**

Mark Grinsell

("the Applicant/Tenant")

and

Andrews Leasehold Management

("the LVT appointed Manager")

And

Bishops Mill Apartments (Wells) Limited

("The Landlord")

In the matter of an Application under Section 24 (9) of the  
Landlord and Tenant Act 1987 ("the 1987 Act")  
(Application for discharge of an Order appointing a Manager)

**THE DECISION**  
**OF THE LEASEHOLD VALUATION TRIBUNAL**

**The Tribunal determines that**

- (i) the Tribunal's Order dated 19<sup>th</sup> March 2008 appointing Andrews Leasehold Management as an LVT appointed Manager be discharged forthwith**
- (ii) The Manager shall forthwith hand over to the Landlord all Service Charge funds and books of account and all other service charge and management records**
- (iii) If there has been an entry in relation to the appointment of a Manager registered under the Land Charges Act 1925 or the Land Registration Act 2002 the Tribunal Orders that that entry be cancelled forthwith**

**Date of Decision: 30<sup>th</sup> November 2010**

**REASONS FOR THE TRIBUNAL'S DECISION**

**1. The Application**

This is an Application made under Section 24(9) of the Landlord and Tenant Act 1987 for the discharge of an Order made by the Tribunal in 2008 appointing Andrews Leasehold Management as an LVT appointed Manager

**2. Background to the Application**

The Tribunal issued Directions providing for all parties to produce their respective written submissions and directed that the Tribunal proposed to deal

with the matter as a paper determination without an oral hearing unless either party objected. None of the parties objected, and the Tribunal makes this determination as a paper determination without an oral hearing.

3. The Application Form submitted by the Applicant referred to the Tribunal's original Order dated 19<sup>th</sup> March 2008 (a copy of which was before the Tribunal). From the description of the Building given in the Tribunal's previous Decision, there appear to be three flats in the Building. The Applicant is the owner of Flat 2. It appears that the Freehold reversion has been acquired by the Landlord Company and the Applicant is a Director of that Company and he says " The manager was appointed due to one flat having one owner and the other two flats having another; a dispute arose between the two parties. Subsequently the owner of Apartment 2 who made the original application have sold the Apartment to me. I have exchanged contracts to purchase each of the other apartments and the freehold. There is no longer a need for a manager. This application is not opposed by the manager." That Statement is signed under a Statement of Truth that the facts stated in the application are true.
4. A copy of the application had been served on the Landlord and the LVT appointed Manager. The LVT appointed Manager, Andrews Leasehold Management had written to the Tribunal by letter dated 7<sup>th</sup> October 2010 saying that they acted as the managing agents for the Landlord, Bishops Mill Apartments (Wells) Limited. The letter says "We can confirm that we do not oppose the application submitted by Mark Grinsell and are willing to cooperate in the handover of the Management Company."
5. **The Tribunal's determination**
  - (a) The Tribunal reviewed the facts and determined that there was now no longer any need for a Manager to be appointed as the Applicant was, or will soon be, the owner of all 3 Flats in the Building. In addition he was a director of the Company which owned the Freehold reversion. The Tribunal considered Section 24 (9A) of the 1987 Act. That provided as follows: "24(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."
  - (b) Having reviewed the facts the Tribunal had no difficulty in reaching the conclusion that the discharge of the order would not result in the recurrence of the circumstances which led to the order being made and that it was entirely just and convenient to discharge the order.
  - (c) The Manager had consented to the discharge of the order and no-one else had objected to the application. The Manager had agreed to cooperate in the handover of management of the Building to the Landlord Company.
  - (d) For the above reasons the Tribunal hereby makes an Order discharging the Tribunal's original Order appointing the Manager.
  - (e) The Tribunal orders that any registration under the Land Charges Act 1925 or the Land Registration Act 2002 be cancelled.

DATED this 30<sup>th</sup> day of November 2010

*J.B. Tarling*



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John B. Tarling, MCMI Lawyer/Chairman

A member of the Panel appointed by the Lord Chancellor