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Residential
Property
TRIBUNAL SERVICE

**LONDON RENT ASSESSMENT PANEL
LEASEHOLD VALUATION TRIBUNAL**

Case Reference: LON/OOAM/LVM/2010/0003

**THE LEASEHOLD VALUATION TRIBUNAL ON AN APPLICATION UNDER
SECTION 24(9) of the Landlord and Tenant Act 1987**

Applicant: Mr B. Hallows (Islington Properties Ltd)

Respondent: Mr Raheel Choudhary (ERC Properties Ltd)

Premises: 202 Hoxton Street, London N1 5LH

Date of Application: 20 May 2010

Directions dated 28 May 2010

Hearing 30 June 2010

Appearances for Applicant: Mr B. Hallows
Mr H. Lee (Flat B)

Appearances for Respondent: None

Leasehold Valuation Tribunal: Mrs B. M. Hindley LL.B
Mr I. G. Thompson BSc. FRICS

Date of Tribunal's Determination 30 June 2010.

1. On 25 May 2010 an application was received from Mr Ben Hallows of Islington Properties Ltd, under Section 24 of the Landlord and Tenant Act 1987, for the appointment of a new manager, Mr Malcolm Star, also of Islington Properties Ltd, in place of himself, the extension of the management order for a further three years and a variation of the fees to £500 per flat plus VAT.
2. The subject property is a public house converted to provide two flats with a commercial unit on the ground floor.
3. Mr Hallows had been appointed as the manager at a fee of £250 per flat, for one year commencing on 6 July 2009, by order of a Leasehold Valuation Tribunal (LON/OOAM/LAM/2009/0003) on 9 July 2009, on the application of Mr Hung Lee, one of the two lessees of the flats.
4. On 7 June 2010 Mr Hallows wrote to the Tribunal stating that Mr Star was no longer employed by Islington Properties Ltd and that he proposed to continue as the manager and receiver for a new three year period and at an increased fee in accordance with his application
5. On 13 May 2010 Mr Lee wrote to the Tribunal stating his full support for the application.
6. On 10 June Mr Lee wrote again to the Tribunal stating that he and the other leaseholder were very pleased with the management as it had existed and were content for it to continue for a further period of three years at the proposed increased fee of £500 per flat plus VAT.
7. On 10 June 2010 Mr Hallows was informed by the Tribunal that his application would be treated as an application to vary the appointment of a manager. This letter was copied to the respondent and the leaseholders of both flats. They were informed that a hearing would take place on 30 June 2010.
8. Nothing was received from the respondent freeholders to the application and nothing had been received from them at the time the order was made in 2009.
9. The hearing was attended by Mr Hallows and Mr Lee.
10. It was established that the respondents to the application were ERC Limited of which Mr Choudhary was a director.
11. Mr Hallows said that he had been going to give up the management in favour of Mr Star because of a geographical restructuring of the firm's portfolio. However, when Mr Star left the company he was content to continue and, indeed, had completed a lot of work for the subject property.
12. He said that he was now requesting £500 per flat in order to reflect the amount of work he had carried out to date and the perceived work required over the next three years. He stated that it was not his company's policy to charge additional fees unless it became necessary to employ external consultants. He said that for the proposed works of internal decoration it was not planned to charge any additional fees for preparation of a specification, Section 20 notices or supervision of the works.
13. He explained that a time limit of one year had been requested originally but having had the experience of managing the property and with work still required, he considered three years now to be appropriate.
14. Mr Lee expressed himself as content with the new proposals.

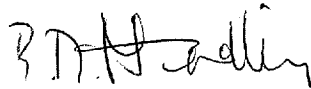
15. On the basis of the provisions in Section 24(9)(a) and (b) the Tribunal is satisfied that it is just and convenient in all the circumstances to vary the Order in the following terms:

- (1) The name of the respondent to be ERC Limited in place of Raheel Choudhary.
- (2) The duration of the Order to be varied from 6 July 2009 - 5 July 2010 to 6 July 2010 - 5 July 2013.
- (3) Clause 4(m) of the Order to be amended by the addition of 'notwithstanding that the manager may appoint such consultants as he sees fit to assist in the procurement and supervision of works and any other such services deemed necessary'.
- (4) Clause 7 to be amended to show £500 plus VAT per flat per annum in place of £250 plus VAT.

16. The Tribunal is satisfied that were it not to make the Order a recurrence of the circumstances which led to the original Order being made could occur.

17. Accordingly, the application is granted.

Chairman



Date

30/6/10.