



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

Case Reference : **LON/00BF/LVM/2019/0009**

Property : **43 Eaton Road, Sutton, Surry SM2
5ED**

Applicant : **43 Eaton Road RTM Company
Limited**

Representative : **Pain Smith Solicitors**

Respondent : **Mr Darren Powell (Manager)
Mrs Ming Gould (Freeholder and
Lessee)
Mr & Mrs S Welford (Lessee)
Ms K Neil (Lessee)
Mr I Williams (Lessee)**

Representative : **None**

Type of Application : **S24 Landlord and Tenant Act 1987
– discharge of an order appointing
a manager**

Tribunal Members : **Judge John Hewitt
Ms Marina Krisko BSc (EstMan)
FRICS**

**Date and venue of
Hearing** : **12 March 2019
10 Alfred Place, London WC1E 7LR**

Date of Decision : **12 March 2019**

DECISION

The issues before the tribunal and its decisions

1. The issue before the tribunal was whether the appointment of Mr Darren Powell as manager should be discharged and if so the arrangements for the final accounting of funds held by him.
2. The decisions of the tribunal are that:
 - 2.1 Mr Powell shall be discharged as manager effective 31 March 2019; and
 - 2.2 Mr Powell shall by **5pm 30 April 2019** file with the tribunal and serve on the landlord and each of the lessees a final account of his role as manager in accordance with the matters set out in final direction of paragraph 1 of the directions dated 1 March 2019, the amount of any surplus funds held by him and confirmation those funds shall be paid to the applicant promptly.
3. The reasons for this decision are set out below.

Procedural background

4. Mr Powell's appointment as manager was extended to 30 June 2019 by an order of the tribunal dated 26 February 2018. Paragraph 13 of the decision noted that some progress was being made in mutual discussions for the lessees to exercise the right to manage.
5. The applicant has been incorporated and evidently it was envisaged that it would acquire the right to manage on 12 March 2019.
6. The application seeking the discharge of the Mr Powell's appointment was received on 27 February 2019. The application is supported by Mrs Gould the freeholder and a lessee and also by other lessees. We are told that Mr Powell has been actively involved in the progress made by the freeholder and the lessees for the future management of the building and the role of the applicant RTM company and that he consents to the early discharge of the order appointing him as manager.

Conclusions

7. On the evidence before us we are satisfied that:
 1. The early discharge of the appointment will not result in a recurrence of the circumstances which lead to Mr Powell's original appointment;
 2. It is just and convenient to discharge the order;
 3. The discharge of the order should be unconditional; and
 4. The arrangements we have made in paragraph 2.2 above are sufficient to enable concluding accounts to be drawn up and for any surplus funds held by Mr Powell to be properly accounted for.

Judge John Hewitt
12 March 2019

ANNEX - RIGHTS OF APPEAL

1. If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber) then a written application for permission must be made to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application for permission to appeal must arrive at the Regional office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.
3. If the application is not made within the 28-day time limit, such application must include a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal, and state the result the party making the application is seeking.