



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

**Case reference** : **CHI/00HG/LVM/2020/0004**

**Property** : **Charles Cross Apartments  
22 Constantine Street  
Plymouth  
PL4 8AF**

**Applicant** : **Mr D Gerrard (Tribunal-appointed  
Manager)**

**Representative** :

**Respondents** : **CX Freehold Limited  
The Lessees**

**Representative** :

**Type of application** : **Discharge of Appointment of  
Manager and ancillary applications**

**Tribunal member(s)** : **Judge D. Agnew**

**Venue** : **By telephone on 10 August 2020**

**Date of Order** : **10 August 2020**

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**ORDER**

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## **ORDER**

1. Paragraph of the Management order dated 2 January 2020 shall be and is hereby revoked.
2. The Applicant shall before 1 September 2020 assign to CX Freehold Limited the right to receive ground rents payable under the long leases of the 93 apartments at Charles Cross Apartments, 22 Constantine Street, Plymouth PL4 8AF which have been demanded by the Applicant but remain unpaid together with the right to pursue recovery of the aforesaid arrears by court proceedings if necessary.
3. The Applicant shall before 1 September transfer to CX Freehold Limited the monies being held by the Applicant in a trust account comprising ground rents payable under the long leases of the 93 apartments at the Property demanded by the Applicant and paid. The Applicant will also furnish CX Freehold Limited with information as to which apartments the monies being held by him relate.
4. The order appointing the Applicant the Tribunal-appointed manager of the Property and the associated Management Order dated 2 January 2020 shall be discharged as from midnight on 31 August 2020.
5. The Applicant shall assign to 22 Constantine Street RTM Company Limited ("the RTM Company") as from 1 September 2020 the right to receive and take any court action necessary to recover any arrears of service charges relating to the 93 long leases of apartments at the Property that have accrued during the currency of the Applicant's period as Tribunal-appointed manager.
6. The Applicant shall within the next 14 days prepare a final account showing the amount of service charges demanded and received, expenditure incurred and any surplus or deficit. If monies are held to the credit of a reserve fund this too should be shown. That account shall be copied to all lessees, the freeholder and the RTM Company. The Tribunal approves the Applicant's fees of £498 incurred in the making of this application to be included in the expenditure referred to above in this paragraph to be paid to him forthwith from the service charge account.
7. The Applicant shall by 8 September 2020 transfer to an account nominated by and held on behalf of the RTM Company any uncommitted service charges.
8. From 1 September 2020 the Applicant shall hold all accounting information concerning service charges that have

accrued during his period as Tribunal-appointed manager to the order of the RTM Company but shall keep a record himself.

9. The Applicant shall assign to the RTM Company as from 1 September 2020 the benefit of all contracts entered into in his or his firm's name in respect of services for the Property.
10. The Applicant shall apply for the cancellation of any entry of the appointment of the Applicant as Tribunal-appointed manager under the land Charges Act 1972 or the land Registration Act 2002 with effect from 1 September 2020.

Dated 10 August 2020

Judge D. Agnew