



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

**Case Reference** : CHI/00HN/LVM/2016/0005

**Property** : Tralee Penthouse Apartments, St  
Michaels Road, Bournemouth, Dorset  
BH2 5DS

**Applicants** : M Stahnke C R Casey, AF & A E  
Osborne, T M Reed & L M Swatton-  
Reed

**Representative** : Coles Miller

**Respondent** : Tralee Bournemouth Limited

**Representative** :

**Type of Application** : Variation of an existing order for the  
appointment of a manager by  
extending the term of the present  
manager under section 24(9) of the  
Landlord and Tenant Act 1987

**Tribunal Member(s)** : Mr D Banfield FRICS

**Date of Decision** : 9 February 2017

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**DECISION AND ORDER**

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**The Tribunal Orders that paragraph 1 of the Management Order appended to its decision dated 26 November 2014 be varied as follows;**

- **The period of the appointment is extended to 7 years from and including 25 December 2014.**

**All other terms remain as stated.**

## Background

1. The Applicant seeks a variation of the order made on 26 November 2014 by extending the term of the current manager beyond the expiry of the term of his appointment.
2. The current order was for two years and expires on 24 December 2016.
3. The Applicants states that the circumstances which preceded the granting of the order have not changed and that a continuance for a further 5 years of the appointment of Mr Tim Townsend MRICS of Hamilton Townsend is required for the proper management of the building.
4. The Tribunal made Directions on 13 December 2016 requesting the Respondent to send to the Applicants by 11 January 2017 a statement in response to the application.
5. The Applicants were required to prepare the hearing bundle which amongst other documents was to include "*any amendment to the terms of the existing management order the Applicant wishes the Tribunal to include in any order it may make*"
6. The Tribunal also made an Order that the existing Management Order should continue in force until the current application was determined by the Tribunal.

## The Law

### **2. Landlord and Tenant Act 1987 section 24**

- i. *(9) 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; and if the order has been protected by an entry registered under the Land Charges Act 1972 or the Land Registration Act 1925, the tribunal may by order direct that the entry shall be cancelled.*
- ii. *(9A) the court shall not vary or discharge an order under subsection (9) on the application of any relevant person unless it is satisfied—*
- iii. *(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*

- iv. *(b) That it is just and convenient in all the circumstances of the case to vary or discharge the order.*
- v. *(10) An order made under this section shall not be discharged by a leasehold valuation tribunal by reason only that, by virtue of section 21(3), the premises in respect of which the order was made have ceased to be premises to which this Part applies.*
- vi. *(11) References in this Part to the management of any premises include references to the repair, maintenance or insurance of those premises.*

### **Evidence**

3. Within the bundle received is a copy of the previous decision dated 26 November 2016 with a draft order attached. No response has been received from the Respondent landlord either opposing or supporting the application.
4. There has been no request to vary the terms of the existing order save as to the period of the appointment.

### **Decision**

5. This application has the support of the majority of the lessees and the Landlord has not objected to the application
6. The Tribunal therefore determines that paragraph 1 of the Management Order appended to its decision dated 26 November 2014 be varied as follows;
  - The period of the appointment is extended to 7 years from and including 25 December 2014.
7. All other terms remain as stated.

Mr D Banfield FRICS

9 February 2017

### **RIGHTS OF APPEAL**

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application

to the First-tier Tribunal at the Regional office which has been dealing with the case.

2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28-day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking