

**SOUTHERN RENT ASSESSMENT PANEL**  
**LEASEHOLD VALUATION TRIBUNAL**

Case Number: CHI/21UD/LVM/2005/0002/1

Re: 69 Church Road St Leonard's on Sea

**Between:**

Chelmsford Villas Limited

Applicant

and

Mr J D A Shields

Respondent

**Decision**

This matter was determined upon consideration of the papers and without a hearing on 28<sup>th</sup> April 2005

Date of Issue: 29<sup>th</sup> April 2005

Tribunal: Mr R P Long LLB (Chairman)

## **Decision**

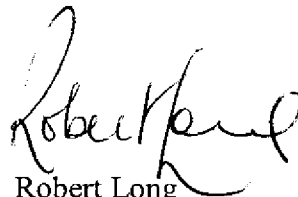
The appointment of Mr JDA Shields as receiver and manager of 69 Church Road is revoked unconditionally with effect from 1<sup>st</sup> June 2005.

## **Reasons**

1. Mr James David Anthony Shields, the respondent in this matter, was appointed to be the receiver and manager of 69 Church Road St Leonard's on Sea ("the property") by an order of a Leasehold Valuation Tribunal ("the order") with effect from 29<sup>th</sup> August 2003. The appointment was expressed to remain in force until varied or revoked by further order of the tribunal. It was made after a hearing on 14<sup>th</sup> August 2003 of an application made by Miss J Slidel.
2. Since that time the leaseholders at 69 Church Road have formed a Right to Enfranchise company called Chelmsford Villas Limited, the applicant. According to the statement of case lodged on its behalf by its directors, the applicant completed its purchase of the freehold of the property on 17<sup>th</sup> December 2004.
3. The applicant company now seeks to have the appointment of Mr Shields terminated. Directions were given on 15 March 2005 requiring statements from the parties, and indicating that that the matter may be dealt with upon consideration of the papers and without a hearing. The written agreements of the parties to that effect have been received by the tribunal.
4. Those directions indicated that the tribunal would convene to consider the matter on or about 13<sup>th</sup> May 2005. However, all of the directions have been complied with, the parties are plainly in agreement about the steps that should be taken, and it appears to me therefore to be convenient to deal with the matter now so that the parties may know as soon as may be that they can plan to proceed as they wish.
5. The directors of the applicant company confirm in their statement that the discharge of the order will not result in a recurrence of the circumstances that led to the order being made, and that they consider that it would be just and convenient in all of the circumstances to discharge the order. I have seen the order and a copy of the decision upon Miss Slidel's application. I am aware from that decision that the order was made because of breaches by the respondent to that application of its obligations towards her that the tribunal found to have occurred. The respondent to that application is of course no longer the landlord.
6. In response to the directions, Mr Shields has written to the tribunal on 21 March 2005. He confirms the acquisition of the freehold, and says that the leaseholders at the property now wish to be in control of their own destiny. He says that he therefore supports their application for the discharge of his appointment.
7. I am satisfied that the discharge of the order will not lead to a recurrence of the circumstances that led to it being made. The circumstances of the present

application, coupled with Mr Shields' support, appear to me to be such that it is just and convenient that the order should now be revoked. The applicant is in my judgement, and for the avoidance of any doubt in that respect, plainly a "person interested" for the purposes of section 24(9) of the Act, and thus entitled to make this application.

8. Accordingly, the appointment of Mr Shields as receiver and manager of the property is unconditionally discharged with effect from 1<sup>st</sup> June 2005. The reason for the short delay before the discharge has effect is to enable the parties to make orderly provision for the change over of insurance and financial arrangements, and to ensure that Mr Shields has the appropriate authority during that period to enable him to deal with those arrangements.



Robert Long  
Chairman