

RESIDENTIAL PROPERTY TRIBUNAL SERVICE
SOUTHERN RENT ASSESSMENT PANEL
& LEASEHOLD VALUATION TRIBUNAL

Case No: CHI/00MW/LVM/2005/0004

**Re: Cliff House, Bonchurch Shute,
Ventnor, Isle of Wight PO38 1NU**

Between: Mr Cameron Nigel Chick - 'The Applicant'

and

The Lessees of Cliff House - "The First Respondents"

and

Mr B J Acutt - 'The Second Respondent'

Introduction

1. This is an application dated 17th May 2005 made by Mr C N Chick, the present Manager & Receiver, for a Variation of the original Order dated 9th May 2003.
2. Following Directions dated 24th June 2005, it was agreed by the parties that the matter be determined without a Hearing.
3. Subsequently letters were received from various Lessees confirming their agreement to the proposed Variation. No objection was received from Mr B J Acutt, the Second Respondent.

The Application

4. The original Order dated 9th May 2003 appointed Mr C N Chick, then with BSC Management Services Ltd of Calbourne, Isle of Wight, for an initial period of two years with effect from 1st May 2003.

5. Mr Chick's application arises a) because the initial appointment period has elapsed, and b) because of a change of personal circumstances, whereby he is now in business as Cameron Chick Property Management of Newport, Isle of Wight.
6. Mr Chick submitted copies of minutes of various meetings of Lessees of Cliff House, and of letters from individual Lessees confirming their agreement to Mr Chick's re-appointment.

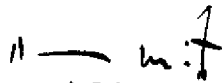
Inspection

7. By prior arrangement, the Chairman made a detailed inspection of the property on 26th August 2005, of the exterior of the building and grounds and the internal common parts.
8. The Chairman was accompanied by Mr Chick. No Lessees attended. The Chairman noted the general state of repair of the building and the common parts.

Determination

9. The Chairman reviewed the case papers, the terms of the original Order, his inspection notes and the representations and comments of the Lessees. It was noted there were no objections to Mr Chick's re-appointment.
10. The Chairman was satisfied that Mr Chick's personal changes to being responsible for his own firm would assist his responsibilities as Manager and Receiver. Further, having regard to the inspection it was clear that various works to the building were required, and action should be taken for the protection of the building and the Lessees.
11. Accordingly, the Application is approved, subject to the terms of the formal Variation Order attached.

Signed:



D M NESBIT JP FRICS FCI Arb
A Member of the Panel Appointed by the Lord Chancellor

Dated: 30th September 2005

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& LEASEHOLD VALUATION TRIBUNAL


**Re: Cliff House, Bonchurch Shute, Ventnor
Isle of Wight PO38 1NU**

**VARIATION TO THE ORDER
APPOINTING A MANAGER**
dated 9th May 2003

IT IS ORDERED THAT:

1. Mr Cameron Nigel Chick, Cameron Chick Property Management, now of Apesdown House, Calbourne Road, Newport, Isle of Wight PO30 4HS, be re-appointed and continue to act as Manager and Receiver of Cliff House, Bonchurch Shute, Ventnor, Isle of Wight, with effect from 1st May 2005 and for a further period of two years from that date.
2. The obligations and requirements of the Manager as set out in the original Order dated 9th May 2003 continue to apply.
3. The Manager and Receiver will prepare financial statements for the years ending 31st December 2003 and 2004, and subsequently, providing full details of all expenditure and outgoings recoverable as service charges from all lessees in accordance with their leases for the property. All financial statements must include a certificate from an independent chartered accountant confirming their accuracy.
4. The Manager and Receiver shall take all steps necessary, including instigating legal proceedings, to obtain any information not yet obtained in accordance with the terms of the original Order from any party, including the recovery of any outstanding payments properly due from any party or lessee.

5. The Manager and Receiver shall circulate to all lessees the relevant financial statements, together with demands for payment arising of such monies as are properly payable by any lessee.
6. The Manager and Receiver shall arrange the preparation of a Schedule of Works necessary for the decoration, maintenance and repair of the Building, to include all works required to comply with fire regulations, as may be necessary to the common parts and the Building. The Manager and Receiver will undertake the required consultation procedures, and arrange for all works so approved to be undertaken.
7. The original charges and fees of the Manager and Receiver shall continue for the period of this re-appointment.
8. The management of the Property shall continue to be undertaken in accordance with current legislation, including the Residential Service Charge Management Code.
9. Any party to this Order may apply to the Tribunal for any further Directions.

Signed:  DM NESBIT JP FRICS FCI Arb Chairman
A Member of the Panel Appointed by the Lord Chancellor

Dated: 30th September 2005