

**SOUTHERN RENT ASSESSMENT PANEL
LEASEHOLD VALUATION TRIBUNAL**

CHI/00HN/LAM/2005/0011

Decision of the Leasehold Valuation Tribunal on an application under Section 24 of the Landlord and Tenant Act 1987

Applicant(s):

	Flat No:
Mr G Roberts	1
Mr N Kanji	2
Ms S Hopson	3
Mr R Murphy	4
Ms D McLeary	5
Mr M Hayward	7
Ms K Napper	8
Mr Y Askan	10
Mr N Osatch	11
Mr S Kay & Mr D Roach	12
Mr R Farrell	13
Mr J Burrell	14
Ms S Knifeld	15
Mr B Lazarev	17
Mr G Cryer	18
Mr X Marques-Wicks	19
Mr & Mrs P Loader	20
Ms C Ward	22
Mr J Griffiths	23

Respondent:

Whitepoint Properties Limited

Re:

Lorne Park Mansions, Lorne Park,
Bournemouth BH1 1JL

Date of Application

10th August 2005

Date of Inspection

None

Date of Hearing

18th November 2005

Venue

Christchurch Town Hall, Christchurch

Appearances for Applicant(s)

Ms Knifeld, Mr Askan & Mr Roberts in person

Appearances for Respondent(s)

Mr White, Solicitor, Rawlins Davy
Mr J Adams FRICS

Members of the Leasehold Valuation Tribunal

M J Greenleaves	Chairman
S Hodges FRICS	Valuer Member
Dr M L James MA BA FRSA	Lay Member

Date of Tribunal's Decision: 23rd November 2005

Decision

The Tribunal does not have jurisdiction to deal with the Application under Section 24 of the Landlord and Tenant Act 1987 (the Act) dated 10th August 2005 by reason of non-compliance with the provisions of Section 22 of the Act as to the preliminary notice.

Reasons

Introduction

1. This was an application under Section 24 of the Act for the appointment of a manager in respect of Lorne Park Mansions Lorne Park Road, Bournemouth.
2. The Applicants had issued two notices under Section 22 of the Act, dated respectively 3rd May 2005 (the first notice) and 13th September 2005 (the second notice).
3. The Respondent had submitted that the Tribunal did not have jurisdiction to deal with the application by reason of the failure of the Applicants to comply with the requirements of Section 22 of the Act as to the terms of the preliminary notice.
4. The hearing was accordingly held to consider the preliminary issue of jurisdiction.

Hearing

5. Mr White submitted for the Respondent:
 - a) The first notice was invalid because:
 - i) It did not identify the Applicants' flats as required by Section 22(2)(a)
 - ii) It did not specify an address for service as required by Section 22(2)(a)
 - iii) It did not specify, as required by Section 22(2)(b), that the Applicants would make a Section 24 application unless the Respondent complied with the requirement of paragraph (d) of that subsection and such a requirement would be required in respect of all items. He did subsequently concede that only item 8) would have required a reasonable period to have been stated.
 - iv) All the items referred to in the notice are the subject of Tribunal proceedings under Section 27A of the Landlord and Tenant Act 1985 which have yet to be determined so it is not yet known what items might have to be complied with and to what extent.
 - b) The second notice was invalid because
 - i) It post-dates the Section 24 application;
 - ii) (He conceded that the notice does in fact state that the Applicants would apply under section 24 if the Respondent did not comply with the requirements of the notice)

6. Ms Knifeld said:

a) In respect of the first notice:

- i) She accepted that the first notice did not identify the flats or specify an address for service
- ii) She accepted that a reasonable period should have been specified and that in relation to the appointment of a new manager she had only referred to "as soon as possible".
- iii) She accepted that the first notice was probably invalid

b) In respect of the second notice:

- i) She did not accept that the notice was too late to found a Section 24 application
- ii) It does specify that the Applicants would apply under section 24 if the Respondent did not comply with the requirements of the notice.
- iii) The notice resulted from more information becoming available.

7. Mr Askan :

- a) Accepted that the first notice did not provide for dates for compliance, but that it was difficult to think of a suitable time.

8. Mr Roberts did not wish to add anything to what had already been said.

Consideration

9. The Tribunal considered all the submissions made and the notices and other documents and correspondence received by the Tribunal.

10. The Tribunal found that

- a) The first notice did not comply with the requirements of Section 22 at least in relation to Subsections (2)(a) and (b)
- b) The second notice did not comply with Section 22(1) which makes it clear that the notice must be given "before" an application for an order is made under Section 24.
- c) The Tribunal made its decision accordingly.

Signed

M J Greenleaves
Chairman
A member of the Southern
Leasehold Valuation Tribunal
appointed by the Lord Chancellor.