



**RESIDENTIAL PROPERTY TRIBUNAL SERVICE  
DECISION BY LEASEHOLD VALUATION TRIBUNAL for the  
LONDON RENT ASSESSMENT PANEL**

**Landlord and Tenant Act 1987 Section 24**

---

**LON/OOAU/LVM/2006/0004**

**Premises:** 55 Highbury Park, Islington, London N5 1TH  
**Applicant:** 55 Highbury Park Management Limited  
**Represented by:** Mr J D Thornton of Hurford Salvi Carr  
**Respondent:** Paul J Spence, Chartered Surveyor  
**Tribunal:** Mr J C Avery B Sc FRICS

---

**Preliminary**

- A. On 3 July 2006 the Tribunal received an application from Mr Thornton, on behalf of 55 Highbury Park Management Limited, for the Tribunal to discharge the order made by Clerkenwell County Court on 11 July 1985 appointing Mr Spence as manager.
- B. The applicant criticised the standard of management and advised that it had now acquired the freehold from the original freeholder and wished to appoint Hurford Salvi Carr as managing agent.
- C. Mr Spence, in a letter of 6 July 2006, had indicating his willingness to resign, and said that he had been offering to do so for two or three years. Following directions issued on 4 July 2006 Mr Spence wrote again, on 12 July 2006, refuting the allegations of poor management and accounting; he described the work he had done since being appointed and confirmed his willingness to resign.

- D. Mr Spence also advised that he had renewed the insurance until July 2007, that the account was approximately £200 in deficit, and that he would hand over the management files on receipt of the amount.

### The Law

1. Section 24 (9) of the Landlord and Tenant Act 1987 provides that the Tribunal may discharge an order (conditionally or unconditionally) provided that it is satisfied that there would be no recurrence of the circumstances that led to the original order and that it would be just and convenient to discharge the order.

### Decision

2. Mr Spence's letter of 12 July indicated that the problems with the building when he took over, particularly with central heating and rot, had been solved, and the Tribunal is satisfied that the circumstances that gave rise to the original order no longer exist. In the light of the applicant's wish to appoint a new manager the Tribunal is satisfied that they are unlikely to recur.
3. In view of the change of ownership and Mr Spence's willingness to resign, the Tribunal finds that, on one condition, it is just and convenient to make an order discharging Mr Spence's appointment.
4. The condition is that the Applicant pay to Mr Spence the amount owing to the account ("about £200"). The precise amount is not known and it is reasonable for the applicants to be satisfied that the amount is correct.
5. Accordingly the Tribunal **DIRECTS** that, on or before Friday 1 September 2006, Mr Spence account to Hurford Salvi Carr, with any supporting documents reasonably requested, in his claim for the deficit. On Mr Spence's written receipt for payment in full and final settlement, this order discharging his appointment takes effect.
6. In the event of disagreement as to the amount owing the parties have leave to apply to the Tribunal for a determination.

Chairman



Mr J C Avery BSc FRICS 16 August 2006