

**RESIDENTIAL PROPERTY TRIBUNAL SERVICE
(SOUTHERN RENT ASSESSMENT PANEL)**

CLAIM NUMBER: 2005/0007

BETWEEN

BRENDA KAY

First Applicant

THOSE PARTIES LISTED IN THE SCHEDULE HERETO

Second to Fifty-Ninth Applicants

and

FORUM (NO 2) LIMITED

Respondent

CONSENT ORDER

The First Applicant's solicitors shall, within 7 days of the making of this order, serve a copy of the application herein and this order on each of (i) Iris Sharland of Flat 39 and (ii) Sydney Shave of Flat 51 under cover of a letter explaining (a) the effect of this order, in particular, that they are hereby joined as Respondents to the application; and (b) that they are entitled to apply to the Leasehold Valuation Tribunal to vary or discharge this order within 28 days of receipt of it.

Provided that no such application is made by either (i) Iris Sharland of Flat 39 and (ii) Sydney Share of Flat 51 within 28 days of receipt of this order by them, the following provisions of this order shall take effect.

Upon the First Respondent undertaking to terminate Mrs Young's employment as resident warden (the "Warden") by statutory minimum notice (the "Notice"), given within five days of this order coming into effect.

1. The leaseholders listed in the Schedule hereto be joined as applicants.
2. The following leaseholders:-
 - (a) Iris Sharland of Flat 39; and
 - (b) Sydney Shave of Flat 51be joined as Respondents (with no order as to compensation).
3. The leases of all the leaseholders named as parties to this application will be varied by the removal of Clause 10b of each lease and substitution of the following:-

"so far as practicable use its best endeavours to employ engage and maintain services of a non-resident part-time warden between the hours of 9:00am and 1:00pm Monday to Fridays (excluding Bank Holidays). The lessor will give such directions for the proper discharge of the non-resident warden's duties as may be necessary from time to time

and will charge to the service charge accounts, all wages expenses and all rates and taxes payable in respect of the employment of the non-resident warden".

For the avoidance of doubt, the substitution referred to in this paragraph shall not take effect until the Warden's employment has been determined, that is on the date of expiration of the Notice.

4. The Applicants will indemnify the First Respondent against all reasonable costs, expenses, legal fees and awards arising out of the termination of the Warden's employment including, but without limiting the foregoing:-
- (a) statutory redundancy payment;
 - (b) payment during the period of the Notice;
 - (c) any claim by the warden in an employment tribunal; and
 - (d) the First Respondent's legal costs associated with (c) above.

Provided that:-

- (i) The First Respondent will not compromise any such claim or proceeding or any voluntary payment without the consent of the Applicants' solicitors; and
 - (ii) The First Respondent will inform the Applicants' solicitors of any such claim.
5. The First Respondent will use its best endeavours to secure that the new part-time warden employed pursuant to the variation to the Leases referred to at Paragraph 3 above commences one week before the expiry of the period of the Notice, and the First Respondent shall be entitled to charge for both wardens during that period (only) through the service charge reserved by each Lease.
6. By agreement, the Applicants will pay to the First Respondent £1,000 as a contribution to its legal costs to be recovered through the service charge.
7. The Applicants shall procure the registration of this Order at HM Land Registry against each of the title numbers listed in the Schedule hereto and against title numbers [number] (Flat 39) and [number] (Flat 51) as soon as practicable.
8. The First Respondent will pay to the Applicant's Solicitors, Rix & Kay, the sum of £1,240 to enable the registration of this Order pursuant to [paragraph 7] which the Applicants hereby acknowledge shall be recovered through the Service Charge reserved by the Leases referred to in [paragraph 3].



Rix & Kay
Solicitor for Applicants



Burkill Govier
Solicitors for the First Respondent

The Tribunal agrees that the Order in this matter is in this form with the Schedule appended installed by me on both page for identification.
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H. A. Govier 26/10/2006.