

SOUTHERN RENT ASSESSMENT PANEL
& LEASEHOLD VALUATION TRIBUNAL

In the matter of section 24 of the Landlord & Tenant Act 1987

And in the matter of Courtenay Gate, Kingsway, Hove, East Sussex

Case no: CHI/00ML/LVM/2005/0006

Upon the application of Courtenay Gate Lawns Limited

Decision of the Tribunal

Issued 14th November 2005

Tribunal :-

Mr R P Long LLB (Chairman)

Decision

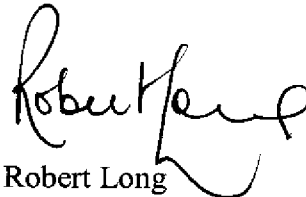
1. The tribunal's Order appointing Mr R J Austin FRICS to be the receiver and manager of Courtenay Gate is discharged with effect from midnight on 31st December 2005.

Reasons

2. On 2nd August 2005 Courtenay Gate Lawns Limited made application to the tribunal pursuant to section 24(9) of the Landlord & Tenant Act 1987 for the discharge of the appointment of Mr R J Austin FRICS as receiver and manager of Courtenay Gate.
3. Mr Austin had been appointed to the position of receiver and manager of Courtenay Gate by an Order of the tribunal made with effect from 14th May 2001. That Order was made following the request of Mr Colin Davies FRICS to be discharged from the position of receiver and manger to which he had originally been appointed by the tribunal in late 1997.
4. The tribunal gave notice to the parties of its intention to deal with the matter without a formal hearing as part of directions issued by it on 5th September 2005. No party has objected to that course being adopted nor raised any objection to the grant of the application. Since the application is unopposed it has been considered sufficient in the interests of the economical and expeditious disposal of the matter that it may be determined by a chairman sitting alone as regulation 13(5) of the Leasehold Valuation Tribunal (Procedure) (England) Regulations 2003 (No.2099 of 2003) (as amended) permits.
5. On 29 September 2005 Mr Austin wrote to the tribunal to say that the issues that were relevant at the date of his appointment have now been satisfactorily resolved, and the process of essential repair and maintenance of the building is progressing with the full support of the company and of the residents. He did not believe that there was any purpose in continuing his appointment due to the consensus of agreement that has been established, and he supported the application that had been made.
6. Section 24(9) of the Act requires me to be satisfied in this case that the discharge of the tribunal's Order will not result in a recurrence of the circumstances that led to the Order being made, and further that it is just and convenient in the circumstances of the case to discharge the Order.
7. In the light of the statements made by the company to support its application in the letter addressed to the tribunal dated 25th July 2005 that accompanied it, and in the light of the terms in which Mr Austin has felt able to support that application, I am satisfied that it is appropriate to discharge the Order. I recognise, however, that it may be necessary to make appropriate arrangements in terms at least of transfer of insurance arrangements, and in terms of accounting for and payment over of funds before such a discharge

could properly take effect to enable Mr Austin to deal with all of those matters.

8. The copy of the accounts for 2004 lodged with the application shows that the company's financial year runs to 31st December in each year. It appears to me that it will be convenient therefore to provide that the discharge of the Order appointing Mr Austin shall take effect at midnight on 31st December 2005 so that the company's arrangements for insurance can take effect immediately at the beginning of its new financial year, and I so determine. Furthermore such a period will allow a reasonable period for the orderly transfer of such funds as Mr Austin may presently hold, and for the preparation of any necessary accounts in respect of them, to enable all of those funds to be transferred to the control of the company by the beginning of the new financial year.
9. Having been involved with the various applications made in respect of Courtenay Gate since 1997, and having been aware of the difficulties that have existed there in the past, may I add that I was very pleased to hear how well the property has been able to progress since that time, and express the wish that it will be able now to go forward in a spirit of unity that was not always evident in the past.

A handwritten signature in black ink, appearing to read 'Robert Long', with a stylized flourish at the end.

Robert Long
11 November 2005