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HM Courts
& Tribunals
Service

LEASEHOLD VALUATION TRIBUNAL

Case number : CAM/42UF/LVM/2012/0002

Property : Cambridge House, Oxford House and Worcester House, Bumpstead Road, Haverhill, Suffolk CB9 8QE

Application : For variation of an existing order appointing a manager [LTA 1987, s.24(9)]

Applicant : Greenhart Estate Management Ltd of Gem House, 1 Dunhams Lane, Letchworth, Herts SG6 1GL

Respondent : Alexander Wadham-Corn (Development Company) Ltd, 101 Uphill Road, Mill Hill, London NW7 4QD

**ORDER VARYING AN EXISTING ORDER FOR THE
APPOINTMENT OF A RECEIVER AND MANAGER**

Tribunal : G K Sinclair (chairman) & G F Smith MRICS FAAV REV

UPON the application of the Manager received on 3rd September 2012 for an extension of the term of its appointment, and upon the application being supported by the lessees of eight flats on behalf of all the lessees of the above blocks, and upon the Respondent lessor not responding to the application at all

AND UPON the tribunal determining the application, on the basis of the papers filed, on Wednesday 7th November 2012

IT IS DETERMINED that it is just and convenient to grant the application

AND IT IS ORDERED THAT :

1. The original Order dated 14th October 2005 (as varied by the tribunal's further Order dated 5th June 2009) appointing Greenhart Estate Management Limited, now of Gem House, 1 Dunhams Lane, Letchworth, Herts SG6 1GL ("the Manager"), acting by its director Mr Max Pendleton or such other officer as he should see fit, as Receiver and Manager of the estate and premises known as Cambridge House, Oxford House and Worcester House, (otherwise known as the Ashlea estate), Bumpstead Road, Haverhill, Suffolk (Title No SK11071) ("the property") with effect from 30th September 2005, is hereby further varied as follows.
2. The Manager shall continue to manage the property in accordance with :
 - a. The respective obligations of the lessor and the lessees under the various leases by which the flats at the property are demised ("the leases") and in particular, but without prejudice to the generality of the above, with regard to the repair, redecoration, and provision of services to and insurance of the property; and

- b. The GEM Property Management Service Guide and its "Schedule A" Basis of Engagement; and
 - c. With due regard to the duties of a manager as set out in the current edition of the Service Charge Residential Management Code ("the Code") published by the Royal Institution of Chartered Surveyors and approved by the Secretary of State pursuant to section 87 of the Leasehold Reform, Housing & Urban Development Act 1993.
3. The Manager shall receive all sums whether by way of ground rent, insurance premiums, payment of service charges or otherwise arising under the leases
4. The Manager shall :
 - a. Account to the freeholder for the time being of the property for the payments of ground rent received by it; and
 - b. Apply the remaining amounts received by it (other than those representing its fees specified in this Order) in the performance of the lessor's covenants contained in the leases.
5. The Manager shall maintain adequate insurance cover for a sum insured of not less than £1,800,000 to be taken out in its name as Manager and Receiver of the property with a reputable insurer in respect of the risks specified in the leases and such other normal or ordinary risks as in its discretion the Manager considers fit, ensuring that the names of all the leaseholders and their mortgagees are noted thereon.
6. The Manager shall be entitled to be remunerated in accordance with the provisions in respect of management fees set out in Schedule A, which for the avoidance of doubt shall be recoverable as part of the service charge as defined in paragraph 10 of the Fourth Schedule to the leases.
7. As stated in Schedule A, the remuneration mentioned above shall be subject to payment of Value Added Tax.
8. At the specific request of the Applicant and the lessees this Order shall remain in force until 29th September 2017 unless varied, extended or revoked by further Order of the Tribunal (or by a successful application by an appropriate RTM Company for the right to manage); and the Manager and every lessee shall have liberty to apply to the Tribunal before the expiry date of this Order for further directions.

Dated 12th November 2012

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Graham K Sinclair – Chairman
for the Leasehold Valuation Tribunal