



Alison Mooney, the Tribunal-appointed manager of 144 Goldhurst Terrace NW6, applied for directions in relation to her management of the property.

The hearing of that application was listed for 17 September 2020. On 3 August 2020, however, Ms Mooney asked the Tribunal for “a direction as to whether the Management Order can be altered to include the right for me to make an interim demand from the leaseholders to cover legal costs expended in the pursuance of my responsibilities.”

On 7 August, she stated that she needed £15,000. The Orchards responded to Ms Mooney’s request on 7, 11 and 18 August. On 18 August the FTT made an “interim order” granting Ms Mooney the power to demand an interim service charge of £15,000. The Orchards appealed.

Dismissing the appeal, in *Orchard v Mooney* [2021] UKUT 0173 (LC), Judge Elizabeth Cooke held that:

- 1) “The order of 18 August 2020 was clearly a variation of the management order made under section 24(9) [of the Landlord and Tenant Act 1987], rather than a direction under section 24(4) [of that Act], because it gave the manager an additional power, namely to demand an additional service charge.”
- 2) Even though the FTT’s order described itself as an “interim order” and authorised an additional interim service charge demand, it made no sense to regard it as an interim order, because it was not an order made for the time being that could come to an end, like an interim injunction.
- 3) The order was not a costs order. It was an order authorising the manager to demand a service charge.
- 4) “The procedure adopted by the FTT was relatively swift and informal, but in the light of the short time available before the hearing of 17 September that was appropriate.” In the circumstances, there had been no serious procedural irregularity.
- 5) Finally, the FTT had a discretion whether to grant the application. In doing so, it had not exceeded the ambit of that discretion.

