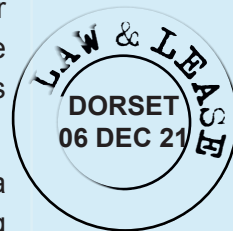




In September 2016, the FTT appointed a manager under s.24, Landlord & Tenant Act 1987, to manage Northwood Hall, in London, N6. The reserve funds were transferred to the manager.



In August 2018, the manager asked the FTT for a determination of service charges to the year ending June 2018.



In April 2019, in County Court proceedings between the manager and some leaseholders, the manager conceded that the *leases* made no provision for a reserve fund. As a result, his claims were dismissed.



In September 2019, the FTT concluded that the *management order* made provision for collection of a reserve fund. The leaseholders appealed. In *Whale v Maunder-Taylor* [2021] UKUT 210 (LC), Martin Rodger QC said:



“The management order is ... a tribunal order, and its meaning does not change because of an agreement between some of those affected by it. Nor does the decision of the County Court bind this Tribunal, although it does determine the rights of the parties on the issues which it addressed.

“If the rights of the parties were to be determined without regard to the decision in the County Court proceedings I would ... have no doubt that ... the manager had power to collect a reserve... [However] the parties to the County Court proceedings are bound by the ... finding that the leases make no provision for a reserve fund...”

The parties were not at liberty to ask the Tribunal to re-interpret the management order “on the understanding that the leases bear a meaning different from that given them by the County Court”.

“The powers in the leases authorised the reserve fund, and the management order conferred those powers on the manager, but he is bound by the decision of the County Court that the leases did not have that effect. I therefore allow the appeal.”