



**FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)**

Case references	:	LON/00BG/LVM/2016/0020 LON/00BG/LVM/2016/0023 LON/00BG/LDC/2016/0141 LON/00BG/LDC/2018/0004 LON/00BG/LVM/2018/0005 & LON/00BG/LVM/2018/0006
Property	:	Canary Riverside Estate, Westferry Circus, London E14
Applicants/respondents represented by Trowers & Hamlins LLP	:	(1) Octagon Overseas Limited (2) Canary Riverside Estate Management Limited (CREM) (3) Palace Church 3 Limited (4) YSCR Limited (5) Yianis Hotels Limited
Applicant/respondent represented by Downs LLP	:	Alan Coates (tribunal-appointed manager)
Interested persons	:	Section 24 applicant leaseholders
Type of application	:	Variation of order for appointment of a manager
Tribunal Judge	:	Judge Amran Vance
Venue	:	10 Alfred Place, London WC1E 7LR
Date of directions	:	12 July 2018

**DECISION ON AN APPLICATION TO POSTPONE THE HEARING
OF THESE APPLCIATIONS COMMENCING MONDAY 16 JULY
2018.**

Background

- (1) Those parties represented by Trowers & Hamlins (the “landlord-side”) have requested a postponement of the final hearing, currently fixed for 4 days from 16 July 2018. They assert that the hearing cannot realistically proceed given that the s.24 applicant leaseholders have applied for permission to appeal the tribunal’s review decision of 25

May 2018. It is their case that part of the appeal relates, at a general and overarching level, to the nature and detail of the evidence required in s.24 cases and that there is a clear need to know if the Upper Tribunal agrees with the s.24 applicant leaseholders' submissions before preparing evidence for a four-day hearing. The s.24 applicant leaseholders have also requested a stay of the tribunal's decision of 25 May 2018 pending the determination of any appeal by the Upper Tribunal.

- (2) Trowers & Hamlins have also sent the tribunal a written statement opposing the s.24 applicant leaseholders' appeal and a stay of the decision dated 25 May 2018.
- (3) The s.24 applicant leaseholders strongly oppose the postponement request and claim that the resulting delay, if a postponement is granted, will have a detrimental impact on the management of the Estate. They also assert that the tribunal has already refused this request for a postponement in its decision dated 3 July 2018

Decisions

Pursuant to rule 6 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 and having regard to the overriding objective contained in rule 3, I make the following directions:

- (1) The request for a postponement of the hearing commencing 16 July 2018 is refused;
- (2) The tribunal's decision in respect of the s.24 leaseholders appeal, received on 22 June 2018, will be issued at the same time as the tribunal's substantive decision in respect of the above applications following the hearing commencing 16 July 2018; and
- (3) The tribunal will hear oral representations from all parties as to the s.24 applicant leaseholder's request for a stay of the tribunal's decision of 25 May 2018 at the start of the hearing on 16 July 2018.

Reasons

- 1) As indicated by Judge Powell in his directions of 3 July 2018 the original directions timetable, including the 4-day hearing currently listed for Monday 16 July 2018, was made with the parties present and with their agreement;
- 2) As Judge Powell also pointed out, this is a very long-running dispute, where the issues and the arguments are well-known to the parties and have been rehearsed by them on previous occasions;
- 3) They have objected strongly to the extension request on the grounds that, amongst other things, they would be prejudiced by a postponement of the hearing as it would result in further delay in resolving the outstanding issues and settling on a workable management order. I agree that further delay will result in significant prejudice to the s.24 applicant leaseholders in resolving these long-running issues and that this weighs against postponement

- 4) A postponement was already refused by Judge Powell on 3 July 2018 and I do not consider there has been any material change in circumstances since the date of that decision.
- 5) A tribunal has been booked to hear this case and a postponement at this late stage would result in an unjustifiable waste of the tribunal's limited resources that deprives others of their proper entitlement;
- 6) I do not accept the argument advanced by the landlord side that what they describe as general and overarching level arguments made by the s.24 applicant leaseholders in their application for permission to appeal are likely to require determination by the Upper Tribunal. It appears to me that the appeal concerns a discrete issue, namely whether the tribunal was correct to determine that dealing with assignments and applications for consent under the residential leases were functions to be carried out by the landlord or the Manager. I do not consider the existence of the appeal justifies postponing the forthcoming hearing.
- 7) The reason for the delay in issuing the tribunal's decision in respect of the s.24 applicant leaseholders' appeal is to avoid a potential proliferation of appeals or requests for permission to appeal requiring determination by the Upper Tribunal arising from these applications.

Name: Amran Vance

Date: 12 July 2018