



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

- Case references** : LON/00BG/LVM/2021/0003
LON/00BG/LVM/2021/0004
- Property** : Canary Riverside Estate,
Westferry Circus, London E14
(the “Estate”)
- Applicants** : (1) Leaseholders represented by
the Residents Association of
Canary Riverside
(LON/00BG/LVM/2021/0003)
- (2) Circus Apartments Limited
(LON/00BG/LVM/2021/0004)
represented by Norton Rose
Fullbright LLP
- Respondents in
LON/00BG/LVM/2021/0003** : (1) Canary Riverside Estate
Management
Limited (“CREM”)
(2) Octagon Overseas Limited
 (“Octagon”)
(3) Riverside CREM 3 Limited
 (“Riverside”)
- Interested Persons in
LON/00BG/LVM/2021/0003** : (1) Mr Sol Unsdorfer, tribunal
appointed manager
(2) Circus Apartments Limited
- Respondents in
LON/00BG/LVM/2021/0004** : (1) Octagon Overseas Limited
(2) Canary Riverside Estate
Management Limited
(3) Riverside CREM 3 Limited
(4) Mr Sol Unsdorfer
(5) Leaseholders represented by
the Residents Association of
Canary Riverside
- Represented by** : (1) - (3) Freeths LLP

(4) Wallace LLP
(5) Residents' Association of
Canary Riverside

Type of applications : **Variations of order for appointment of a manager**

Tribunal Judge : **Judge Amran Vance**

Venue : **10 Alfred Place, London WC1E 7LR**

Date of directions : **1 May 2021**

DIRECTIONS

BACKGROUND

1. These are two applications made under s.24(4) and/or 24(9) Landlord and Tenant Act seeking variations of the current Management Order for the Canary Riverside Estate, last varied on 12 April 2019 and on 28 April 2021 (the “MO”). The MO was made for a period of five years commencing on 1 October 2016, and therefore expires on 30 September 2021.
2. In the first application (LON/00BG/LVM/2021/0003), residential leaseholders represented by the Residents Association of Canary Riverside (“RACR”) seek an order extending the MO, and the appointment of the current Manager, Mr Sol Unsorfer, for a further term of three years. They say that the application is urgent to avoid delay in securing Building Safety Fund funding in respect of required cladding remediation works.
3. In the second application (LON/00BG/LVM/2021/0004) Circus Apartments Limited (“CAL”) applies for a variation of the MO to remove it from the list of commercial tenants at Annex 1 of the MO (“the List”) on grounds that:
 - (a) it is not a commercial tenant;
 - (b) there was a procedural irregularity in the variation of the MO in September 2017 to include it in the List;
 - (c) the Second and Third Respondents to its application have misused the MO, for a collateral purpose, in High Court proceedings, by asserting that the tribunal has determined that CAL’s lease is a commercial lease; and

- (d) its inclusion in the List is causing practical problems when dealing with its interests in Eaton House, one of the blocks on the Estate.
4. Although Octagon, Riverside, and CREM have objected, I am satisfied that it is appropriate for both applications to be case managed and heard together as: (a) they involve the same parties and the same MO; and (b) it would be a proportionate use of the tribunal's resources. I do not agree with the objection that to do so is inappropriate because CAL's application will be rendered pointless if the MO is not extended. If these applications are determined promptly, and if CAL was, as a result, removed from the List, that may be a significant material benefit for it (given the practical difficulties it alludes to), even if the MO was not extended beyond September 2021.

DIRECTIONS

Parties

1. I add the following as interested persons to the RACR application as I consider each have an interest in the outcome of the application:
 - (a) Mr Sol Unsdorfer;
 - (b) Circus Apartments Limited
2. I add Riverside CREM 3 Limited as a Respondent to the RACR application as I understand it is the successor in title to several parts of the Estate previously held by CREM.
3. I substitute Riverside CREM 3 Limited as a Respondent to the CAL application, in place of Riverside CREM Limited, as I believe the Respondent has been misidentified in CAL's application. Riverside CREM 3 Limited is, I understand, now the proprietor of the leasehold land known as Circus Apartments.

Interim extension of current Management Order

4. I extend Mr Unsdorfer's current appointment, and the duration of the MO, so that both are to continue until final determination of RACR's application.

Service of Applications

5. RACR shall by send **7 May 2021** send copies of its application form, accompanying documents, and these directions to Mr Unsdorfer, CAL and Riverside.
6. CAL shall by **7 May 2021** send copies of its application form, accompanying documents, and these directions to Mr Unsdorfer and Riverside.
7. Mr Unsdorfer shall by **14 May 2021** send copies of both applications, accompanying documents, and these directions to all registered tenants on the Estate. These may be sent by email.
8. If any tenant wishes to be added as an Applicant or Respondent to either application, they must by **28 May 2021** send an email to the

tribunal, and to the Applicants and Respondents to the relevant application, requesting their addition.

Statements of Case from RACR and CAL

9. By **4 June 2021** RACR and CAL must serve on all Respondents, Mr Unsdorfer, and any other tenant who has asked to be added as a party to their application, a full Statement of Case in support of their respective applications together with any witness statements of fact relied upon.

Response from Mr Unsdorfer

10. By **25 June 2021** Mr Unsdorfer must serve on all parties a Statement of Case in response to both applications together with any witness statements of fact relied upon. He must confirm whether he is willing to continue as Manager and state if he seeks a variation of any of the terms of the MO.

Landlord's Response

11. By **16 July 2021**, Octagon, CREM, and Riverside must serve on all parties a Statement of Case in response to both applications together with any witness statements of fact relied upon.

Replies from RACR, CAL, Mr Unsdorfer and any additional joined parties

12. By **6 August 2021** RACR, CAL, Mr Unsdorfer and any parties joined to this application since the issue of these directions may serve a statement of case in reply.

Hearing

13. The applications will be listed for a two-day hearing to take place by video conferencing unless notified to the contrary. The hearing will take place in **August or September 2021**. The parties must by **21 May 2021** notify the Tribunal of any days to avoid for those two months.
14. RACR and CAL together must provide a paginated and indexed hearing bundle in respect of both applications in Adobe PDF format, to be provided to the tribunal and all other parties, no later than 14 days before the listed hearing of the applications.

Name: Amran Vance

Date: 1 May 2021

NOTES

- (a) **Whenever you send a letter or email to the tribunal you must also send a copy to the other parties and note this on the letter or email.**
- (b) **If an applicant fails to comply with these directions the tribunal may strike out all or part of their case pursuant to rule 9(3)(a) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 (“the 2013 Rules”).**

- (c) If a respondent fails to comply with these directions the tribunal may bar them from taking any further part in all or part of these proceedings and may determine all issues against it pursuant to rules 9(7) and (8) of the 2013 Rules.**
- (d) Witness statements should identify the name and reference number of the case, have numbered paragraphs and end with a statement of truth and the signature of the witness. Original witness statements should be brought to the hearing. In addition, witnesses are expected to attend the hearing to be cross-questioned as to their evidence, unless their statement has been agreed by the other party. The tribunal may decline to hear evidence from any witness who has not provided a statement in accordance with the above directions.**