

Canary Riverside – Chronology for s27A insurance

| Date | Comment | Exhibit |
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| 2011 | | |
| Jan - Sept | Regular meetings between Property Manager ('PM')* and lessees to discuss chillers, accounts, leaking windows etc. *Norman Crawford of Lee Baron, CREM's managing agent at Canary Riverside. | |
| Sept | Lessees notified Marathon Estates Ltd (MEL) appointed as new managing agents. Estate office staff formerly of Lee Baron (Norman Crawford, Susan Mosford, John Worrall) TUPE'd to MEL. | |
| 25 th Sept | MEL issues service charge demand on account for period 01/10/2011 - 31/03/2012 | |
| 23 rd Nov | Meeting between lessees and Richard Paul (owner of MEL) and Property Manager: - '2008/09 accounts to be issued shortly'. Will be full accounts [all pages], 'redacted if necessary' | 1 |
| 2012 | | |
| 1st Feb | Meeting between Property Manager and lessees: - 2008/09 accounts still not complete. 'Once signed off the 2009/10 & /11 accounts will be completed by 31/12/12'. - Lessees to write to CREM asking that a representative attend these meetings to update on progress of core issues. | 2 |
| 7 th Mar | Meeting between Property Manager, Paul Downing of CREM/Yianis, and lessees: - Auditors currently meeting re 2008/09 accounts. Full accounts, redacted if necessary, will be issued when complete. - Future years accounts to be provided "in more acceptable timeframe". | 3 |
| 28 th Mar | MEL issues service charge demand on account for period 01/04 - 30/09/2012 | |
| 2 nd May | Meeting between Property Manager, Paul Downing of CREM/Yianis, and lessees: - 2008/09 accounts expected in next two weeks - PM to arrange meeting with lessees to discuss allocation of expenses [service charge expenditure] - PM to provide insurance policy document, summary schedule detailing sums insured, excesses and relevant details - Paul Downing [CREM] to advise the group on protocol for insurance renewal and process for competitive tendering | 4 |
| 23 rd May | Meeting between Property Manager and lessees to look at cost allocation: - Apparent that some costs including insurance subject to an initial allocation before being allocated in accordance with Estate Service Charge - PM to provide schedule of supporting rationale for expenses subject to this allocation by 14/06/12 | 5 |

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| May 2012 | Paul Downing leaves CREM/Yianis Group. | |
| June 2012 | Norman Crawford leaves Marathon Estates | |
| 28 th Aug | y/e 31/03/2009 accounts issued to lessees, 39 months after year-end. - Pages relating to Commercial, Reserves, Notes and Balance Sheet withheld by CREM | |
| 3 rd Sept | MEL issues service charge demand on account for period 01/10/2012 - 3/03/2013 | |
| Sept 2012 | George Georgiou joins Marathon Estates as new Property Manager | |
| 12 th Sept | Meeting between Property Manager and lessees - PM agreed need for full financial transparency - PM agreed to pick up from PM and arrange a meeting to discuss the 2008/09 accounts, apportionments [incl. insurance] and budget-setting - PM agreed to distribute full set of 2008/09 accounts to the lessees | 6 |
| Oct 2012 | Kate Starkey joins Marathon Estates as Assistant Property Manager | |
| 8 th Nov | Meeting between Kate Starkey (for PM) and lessees: - KS agreed to follow up on accounts issues raised at 12/09/12 meeting - Insurance - item outstanding since May 2012. KS agreed to check protocol for insurance to ensure it includes specialist advice for areas covered and sum insured and process of competitive tender to ensure best value | 7 |
| Dec 2012 | George Georgiou leaves Marathon Estates | |
| Dec 2012 | Ripon Isaac joins Marathon Estates as new Property Manager | |
| 2013 | | |
| Jan 2013 | Ripon Isaac leaves Marathon Estates | |
| 7 th Mar | Meeting between Kate Starkey and lessees - G Georgiou had failed to report back to lessees prior to his departure - KS to follow up on all points agreed with GG in relation to financial transparency [incl. insurance issues] - KS to advise when 2009/10 and 2010/11 accounts will be finalised | 8 |
| 7 th Mar | MEL issues service charge demand on account for period 01/04 - 30/09/2013 | |
| 12 th Mar | Letter from lessees to Richard Paul (MEL) asking to meet with him <u>and</u> representative from CREM to discuss outstanding issues including lack of service charge accounts. [S24 bundle] | 9 |
| March 2013 | Kate Starkey leaves Marathon Estates | |

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| 28 th Mar | Letter from lessees to Richard Paul (following no response to their 12/03/13 letter) | 10 |
| April | Dennis Cheetham joins MEL as new Property Manager Declan Mullarky joins MEL as Assistant Property Manager | |
| 1 st May | Meeting between lessees and Richard Paul and new Property Manager: <ul style="list-style-type: none"> - RP to arrange for lessees to come to Estate Office to review contracts, policies and procedures - RP apologised re lateness of accounts and blamed Lee Baron, and would report back at next meeting - RP to invite lessees to meet MEL accounts staff to review allocation of expenses, budget and banking arrangements [meeting is never arranged] | 11 |
| 28 th Jun | Letter from lessees to Y.Christodoulou (director of CREM) detailing numerous issues relating to financial and estate management, concerns re MEL and asking to meet with representatives of CREM. | 12 |
| 11 th Jul | Letter from L.Hadjioannou (CREM) to lessees advising accounts are “in progress”. No comment on meeting lessees. | 13 |
| 24 th Jul | Letter from lessees to L.Hadjioannou (CREM) detailing numerous issues relating to financial and estate management, asking to inspect accounting records for 31/03/2009, expressing concerns re MEL and asking to meet with CREM. | 14 |
| 19 th Aug | Letter from lessees to L.Hadjioannou (CREM) following up on letter of 24/07/13 to which no response received. | 15 |
| 23 rd Aug | Letter from CREM to lessees: advising outstanding accounts are “in progress” <ul style="list-style-type: none"> - no comment on lessees’ request for a meeting or request to view accounting records. | 16 |
| 3 rd Sept | Letter from lessees to L.Hadjioannou (CREM) including again asking to meet with CREM and to be given access to inspect the accounting records for most recent accounts. | 17 |
| Sept | MEL issues service charge demand on account for period 01/10/2013 - 3/03/2014 | |
| 26 th Sept | Letter from L.Hadjioannou (CREM) enclosing copy of letter from Lee Baron re 2010 and 2011 accounts. No comment on meeting lessees or inspection of 2009 accounting records. | 18 |
| 17 th Oct | Letter from lessees to L.Hadjioannou (CREM): <ul style="list-style-type: none"> - formal complaint about MEL and CREM’s management of Canary Riverside. This includes: - failure to carry out a property valuation for insurance purposes; - failure to adhere to 2010 LVT decision confirming lessees entitled to see full accounts in order to satisfy themselves expenditure has been correctly apportioned. - Asks that MEL’s appointment be terminated and replaced by a company affiliated to the appropriate professional bodies. - Gives CREM notice that failure to replace MEL will result in an application to FTT to appoint a Manager | 19 |

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| Oct/Nov 2013 | Various emails/letters between lessees and DC of MEL and LH of CREM in respect of arranging meeting between lessees and CREM. Lessees respond with dates: no meeting arranged. | 20 |
| 30 th Oct | y/e 31/03/2010 accounts sent to lessees, 42 months after year-end. - Pages relating to Commercial, Reserves, Notes and Balance Sheet withheld by CREM | |
| Oct/Nov 2013 | MEL staff conduct a 'door to door survey' asking residents (owners and renters) to sign a form confirming: - they <i>are</i> * satisfied with MEL's management - they <i>are</i> * not a member of any residents' association - they do <i>not</i> * support proceedings in the FTT [*the alternatives were not included on the form] | 21 |
| 11 th Dec 2013 | Inaugural meeting of RACR: - Not possible for lessees to determine full financial position of the estate since 31/03/2004. - Considerable efforts made to obtain/inspect financial info to which we are entitled; no success to date - 14 meetings with MEL between 2011-2013 (two with a CREM representative) - Lessees have tried to no avail to meet with CREM to discuss financial & estate management concerns. | 22 |
| 2014 | | |
| 21 st Jan | y/e 31/03/2010 corrected accounts sent to lessees, 45 months after year-end. Pages relating to Commercial, Reserves, Notes and Balance Sheet withheld by CREM | 23 |
| January 2014 | Chair of RACR writes to MEL to advise of the formation of RACR and asking that MEL/CREM recognise the association. RACR & members write to MEL requesting access to inspect the accounting records for the 2010 accounts, per s.22 of the LTA 1985 | 24 |
| January 2014 | RACR members write to MEL requesting inspection of the accounting records for the 2010 accounts per s.22 of the LTA 1985. | 25 (sample) |
| 1 th Feb | Property Manager responds to RACR's email stating that the landlord will not recognise RACR and that its members must 'continue to contact MEL individually, in their capacity as tenants'. | 26 |
| 20 th Feb | y/e 31/03/2011 accounts sent to lessees, 34 months after year-end. Pages relating to Commercial, Reserves, Notes and Balance Sheet withheld by CREM | 27 |
| 20 th Mar | MEL issues service charge demand on account for period 01/04/2014 - 30/09/2014 | |
| April 2014 | RACR & members write to MEL requesting access to inspect the accounting records for the 2011 accounts, per s.22 of the LTA 1985. No response received. | 28 (sample) |

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| April 2014 | Dennis Cheetham leaves Marathon Estates | |
| April 2014 | RACR newsletter to members, detailing lack of progress on financial transparency and raising issue of unreasonable service charges | 29 |
| April 2014 | Nicholas Norcliffe joins Marathon Estates as new Property Manager | |
| April 2014 | Chairman of RACR, Mr Bell, resigns after receiving several solicitors' letters on behalf of CREM alleging defamation. West India Quay RA chair (same landlord and also managed by MEL), Ms Hewland, receives similar letters. RACR takes decision not to identify committee or RACR members when corresponding with MEL/CREM. | |
| 14 th May | Section 22 (LTA 1987) Notice sent to CREM. Issues relating to insurance include: <ul style="list-style-type: none"> - Provision of access to underlying accounting records for 2009, 2010 & 2011 (breach 1.1). - Provision of missing pages from 2005-2011 accounts [ie, total expenditure] (breach 1.2). - Outstanding accounts for 2012 and 2013 years (breach 1.4). - Insurance valuation to be undertaken and copies of sums insured provided (breach 3.3). - Unreasonable service charges demanded – increase of 39% in five years (breach 2.1). | S22 Notice |
| 20 th Jun | Five weeks after issuing S22, letter received from Eversheds acknowledging receipt of S22 Notice on behalf of CREM. | 31 |
| Jul 2014 | Louise Berwin joins Yianis Group/Westminster Management Services and management of MEL staff | |
| 20 th Aug | Copy of insurance reinstatement cost assessment report (dated 17/07/14) received from Eversheds. The page with details of the valuation/sum insured is redacted. | 32 |
| 26 th Aug | MEL sends lessees a S20 Notice in respect of chiller replacement works. Consultation period ends 6 th Oct | |
| 6 th Oct | RACR sends S22 Notice update bulletin to members | 32.1 |
| Aug-Nov 2014 | Multiple letters from RACR to Eversheds providing possible dates for RACR to inspect accounting records and request for confirmation of documents to be made available. Ask for unredacted copy of insurance valuation. Told 'commercially confidential'. Inspection dates proposed by RACR deemed 'not convenient' ["focus is on finalising outstanding accounts"] or arranged and then cancelled by MEL because 'Property Manager is unavailable' | 33-33.5 |
| 2 nd Sept | MEL issues service charge demand on account for period 01/10/2014 - 31/03/2015 | |
| 23 rd Sept | Former chairman of RACR advises he has received further correspondence from CREM's solicitors' alleging defamation and requesting assurance that he is no longer the chairman of RACR. | 34 |

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| Sept 2014 | Nicholas Norcliffe leaves Marathon Estates | |
| 28 th Oct | MEL issues second S20 Notice in respect of chiller replacement works [costs estimated at >£900k] | |
| 20 th Nov | RACR mailshot to members highlighting the case for a S24 application: <ul style="list-style-type: none"> - Service charge budget up by just under £1million between 2010/11 and 2014/15 - 3 years' accounts outstanding and still no access to underlying receipts and records | |
| 27 th Nov | 2 nd RACR AGM: <ul style="list-style-type: none"> - Escalating service charges; redacted insurance report; - no access to 09/10 & 10/11 accounting records; - 11/12, 12/13 & 13/14 accounts still outstanding. | 35 |
| 27 th Nov | RACR letter to Eversheds providing further dates for RACR to inspect the accounting records | 36 |
| 4 th Dec | Eversheds letter to RACR stating 9 th & 10 th December dates "not convenient" and offering dates one month later (12 th & 13 th January | 36.1 |
| Dec 2014 | Tara Clarke joins Marathon Estates as new Property Manager | |
| 2015 | | |
| 12 th & 13 th Jan | Inspection of 2009/10 and 2010/11 accounting records by RACR representatives and their accountant: <ul style="list-style-type: none"> - No invoices provided for residential insurance expenditure (totalling £447,000) - No general ledger/supporting documents allowing RACR to reconcile expenditure in accounts. - No one available to answer questions [despite availability of someone being available to assist with queries having previously been given as reason for delaying the inspection]. | 37 - 37.2 |
| 27 th Jan | MEL issues supplementary service charge demand to raise additional £480k from residential lessees to help cover £900k+ costs of chiller replacement works | |
| 31 st Jan | Letter from RACR to Eversheds detailing inadequacies of information provided for inspection of 2009/10 and 2010/11 accounts including no insurance invoices. | |
| 2 nd Feb | MEL notifies lessees of S27A FTT application and directions in respect of the £1M chiller replacement works | |
| 17 th Feb | Half-day FTT Case Management Conference in respect of chillers S27A | |
| 27 th Feb | Letter from Eversheds to RACR seeking to address RACR's claims in Jan 31 st letter: | 38 |

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| | <ul style="list-style-type: none"> - <i>“Insurance policy and payment proof: please find policy attached. We understand the payment proof was in the invoice files already inspected”</i> - <i>“We understand invoices supporting expenditure [sic]: these were in the invoice files already inspected”.</i> | |
| Feb-Apr 2015 | Correspondence between RACR and Eversheds, with RACR seeking confirmation of what additional information will be provided at a second inspection | 39 - 39.1 |
| 9 th Mar | MEL issues service charge demand on account for 01/04/2015 - 30/09/2015 | |
| 30 th Apr | <p>Second inspection of 2009/10 and 2010/11 accounting records by RACR representatives:</p> <ul style="list-style-type: none"> - Still no invoices to support residential insurance expenditure of £447,000 plus other expenditure - Trial balance and journals so heavily redacted as to be meaningless | |
| 3 rd May | Letter from RACR to Eversheds stating CREM had failed to comply with s22 rights of leaseholders to inspect the records and documents supporting expenditure in the accounts. | 40 |
| 16 th Jun | S24 Application made to FTT | |
| 24 th Jun | Hearing set for 12/13 October 2015, FTT issues directions. | |
| 14 th Jul | One-day FTT hearing in respect of S27A £1M chiller works | |
| 16 th Jul | S24 hearing re-scheduled to 19/20 November 2015 – agreed by all parties | |
| 13 th Jul | <p>MEL letter posted & emailed to all lessees re S24 Application:</p> <ul style="list-style-type: none"> - “All lessees will have to pay landlord’s high costs of defending the S24 through an increase in their service charges” - Claims S24 is “a complete waste of time” | 41 |
| 13 th & 21 st Jul | RACR emails to MEL asking for their response to RACR’s calculations that service charges increase in past 5 years averages 42%. | 42 |
| 22 nd Jul | MEL responds to RACR emails of 13 th & 21 st : ‘[service charge increases] is part of the Tribunal hearing and should be dealt with there’. | |
| 4 th Aug | <p>RACR distributes flier to residents/lessees re s24:</p> <ul style="list-style-type: none"> - Unreasonable service charges: up 58% (residential) and 118% (car park) since 2010 | |

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| | - Absence of financial transparency: relevant accounting records withheld from inspection | |
| 11 th Aug | Accountant's report to RACR confirming that information made available for inspection by MEL/CREM did not meet s22 requirements. Notes absence of invoices in support of insurance expenditure. | 43 |
| 7 th Sept | FTT issues decision in respect of chillers S27A | |
| | MEL issues service charge demand on account for period 01/10/2015 - 3/03/2016 | |
| Oct | CREM applies to adjourn S24 hearing. FTT directs case management hearing to be heard 19 Nov, site visit on 20 Nov. | |
| 9 th Nov | Email from MEL to RACR stating it did not ask RACR to communicate on behalf of its members and asking that instead of MEL receiving 30+ letters " <i>one would be sufficient</i> ". | 44 |
| 19 th Nov | y/e 31/03/2012 accounts sent to lessees, 43 months after year-end. Pages relating to Commercial, Reserves, Notes and Balance Sheet withheld by CREM | 45 |
| 19 th /20 th Nov | One-day Case Management Conference and half-day site visit by FTT: full hearing set for 14-18 March 2016. | |
| 16 th Dec | Draft Management Order sent by s24 Applicants to Eversheds for comment. Placing insurance will be the responsibility of the S24 Manager. | 46 (extract) |
| 17 th Dec | Receipt by RACR of various documents disclosed by CREM per FTT directions. <ul style="list-style-type: none"> - Four volumes containing c.1,200 pages - Unredacted copy of insurance reinstatement cost assessment report dated 14th July 2014. Contains no details of how the sum of £340M was calculated. - No copies of insurance invoices (reported by RACR in Jan 2015 as missing from 2010 & 2011 accounts inspections) | 47 |
| 2016 | | |
| 6 th Jan | Letters alleging defamation sent by Landlord's solicitors to the 100+ Applicant lessees. | 48 |
| 14 th Jan | S24 hearing put back two months to May 2016 following application by CREM in December: one witness apparently unavailable in March due to attendance at MIPIM conference | |
| 15 th Jan | Eversheds send comments on draft Management Order. No comments/objections raised re insurance | |
| 19 th Jan | y/e 31/03/2013 service charge accounts sent to leaseholders, 33 months after year-end. Pages relating to Commercial, Reserves, Notes and Balance Sheet withheld by CREM | |

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| 22 nd Jan | Exchange of witness statements and exhibits, running to several thousand pages. Applicants and Respondents each have five witnesses and an expert witness. <ul style="list-style-type: none"> - Witness statement of Paul Hillman (leaseholder) details lack of invoices to support 2010 & 2011 insurance charges - Witness statement of Nick Hunwick (expert on behalf of Applicants) details lack of invoices/ability to validate accounts entries | S24 bundle: PAH WS pp144-148; NH WS pp174 |
| 25 th Jan | RACR AGM: <ul style="list-style-type: none"> - Service charges have increased 42.25% in five years (Residential 57% and car park 118%) - Appointing a manager only option for bringing an end to poor management and ever-increasing service charges. - 2012 & 2013 accounts late, incomplete, non-compliant with Tech 03/11. - Going through documents disclosed and witness statements received from landlord. | 49 |
| 22 nd Feb | Amended draft Management Order [removing responsibility for collection of rents] sent to Eversheds for comment. Insurance remains responsibility of s24 manager. No comments received from Eversheds. | S24 bundle pp 106-122 |
| 25 th Feb | MEL issues Section 20 Notice to leaseholders in respect of the redecoration of internal common parts. | |
| 17 th Mar | MEL issues service charge demand on account for 01/04/16 - 30/09/2016 | |
| 31 st Mar | Eversheds letter to RACR stating: <i>"Our client is making available the link documents for accounting years 2012, 2013 and 2014... The link documents for 2014 will not be available until after 4 April 2016, as this is when they are due to be returned... We propose the documents are inspected at our client's office. Please confirm if this would be convenient and the dates and times that you could be available"</i> . | 50 |
| 4 th Apr | RACR letter to Eversheds requesting details of the accounting documents to be made available for inspection | 51 |
| 5 th Apr | Eversheds letter to RACR replying to their letter of 4 th . | 52 |
| 7 th Apr | y/e 31/03/2014 service charge accounts sent to leaseholders, 24 months after year-end. Complete set of accounts including pages concerning Commercial, Reserves, Notes and Balance Sheet - first time since 2004 accounts [under previous landlord] | |
| 12 th Apr | Eversheds emails sent to RACR attaching three additional CREM witness statements and exhibits [300 pages] for inclusion in hearing bundle. RACR responsible for preparation of bundle (due in five working days' time). | 53 |

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| 19 th Apr | Copies of the hearing bundle, prepared by RACR/applicant leaseholders delivered to FTT (3 copies) and Respondent (1 copy) Each bundle comprises 3,414 pages in 10 lever-arch files | |
| 5 th May | Eversheds submit 5-volume 'supplemental bundle' to FTT for use at the hearing, incorporating all of their witness statements and exhibits. Copy not supplied to RACR/Applicant lessees | |
| 16 th May | Eversheds submit 2 nd witness statement of Richard Paul [200 pages of exhibits follow in emails sent at 20:26] - Includes copy of insurance invoices for the 2010 and 2011 service charge years –invoices now 5& 6 years old, first sight of them by lessees. | 54 |
| 17 th -23 rd May | 5-day Section 24 hearing takes place | |
| 6 th Jun | Written closing submissions made by parties to FTT. | |
| 17 th Jun | Marathon Estates issues Section 20 Notice to lessees in respect of replacing existing electrical and thermal meters | 55 |
| 17 th Jun | Marathon Estates issues Section 20 Notice to lessees in respect of works to the car park including installation of ANPR system, repainting lines and replacing lighting | 55 |
| July | Major power failure in Berkeley Tower – no power for 30 hours, significant H&S issues raised by RACR to MEL | 55 |
| Aug | Estate/building door entry system 'fails', MEL employ additional security staff at additional cost of £10k per week. | |
| 12 th Aug | FTT issues S24 decision appointing a manager from 1 st October 2016 | |
| 23 rd Aug | Marathon Estates sends S20ZA application and FTT directions to lessees in respect of replacing the estate & building gate/door entry and intercom system | |
| 25,28, 31 Aug, 2 Sept | Lessees ask FTT for clarification of condition contained in the Decision/request a clarification hearing. | |
| 25, 31 Aug, 2,5 Sept | Trowers & Hamlin (CREM's new legal advisers) write to FTT, opposing lessees' application for a clarification hearing, requests extension to appeal period. | |
| 31 st Aug | MEL issues service charge demand on account for 01/10/16- 30/09/2017 [even though this is S24 period of management] | |
| 7 th Sept | S24 appeal application made by landlord. | |
| 8 th Sept | S24 appeal application made by RACR [applicant lessees]. | |
| 9 th Sept | RACR submits response to S20ZA application to MEL for inclusion in FTT bundle for hearing on 16 th Sept | |

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| 15 th Sept | Amended S24 Decision issued by FTT – removes condition imposed on Mr Coates in original Decision. FTT refuses both parties permission to appeal. | |
| 16 th Sept | MEL write to FTT withdrawing their S20ZA application on grounds of wishing to ' <i>prevent leaseholders incurring legal fees for the [two-hour] hearing</i> ' [It later transpires that the 'system failure' was caused by sabotage - as reported by S24 Manager to the FTT. System is up and running again within 3 weeks of S24 Manager commencing] | |
| 23 rd Sept | Landlord applies to FTT for permission to appeal S24 decision and a stay. | |
| 29 th Sept | FTT refuses landlord's application for a stay and permission to appeal. | |
| 29 Sept 2016 | Landlord applies to Upper Tribunal for stay and permission to appeal. | |
| 30 th Sept | One-day hearing - Upper Tribunal refuses landlord's application to appeal and refuses a stay of the Management Order. | |
| 30 Sept | RACR writes to Marathon Estates [cc.CREM and Mr Coates] per S22 (LTA 1985) asking to inspect accounts & accounting records for years ending 31 March 2014, 2015 and 2016. | 56 |
| 1st Oct | S24 MANAGEMENT ORDER COMES INTO FORCE | |
| 26 th Oct | Landlord applies for judicial review of Upper Tribunal Decision. | |
| 27 th Oct | Landlord applies to FTT to vary the Management Order [LON/00BG/LVM/2016/0020] including regaining responsibility for placing buildings insurance . | |
| 27 th Oct | Lessees submit S20C costs application to prevent landlord recovering legal costs through service charges. | |
| 28 th Oct | Marathon Estates email to RACR replying to 30 th Sept S22 request: 'MEL no longer manages the estate. We are unsure why you have sent this letter'. | 57 |
| 4 th Nov | RACR writes to MEL [cc CREM & Mr Coates] asking for confirmation that the accounting documents & records for 2014, 2015 & 2016 have been transferred to Mr Coates to facilitate a S22 inspection by RACR. No response received. | 58 |
| 17 th Nov | Mr Coates applies to FTT to vary the Management Order [LON/00BG/LVM/2016/0023]. | |
| 8 th Dec | Mr Coates applies to FTT for S20ZA dispensation in respect of replacing all electricity meters across the Estate | |
| 2017 | | |
| 6 th Jan | RACR writes to Mr Coates re S22 inspection of 2014, 2015 and 2016 accounts | 59 |

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| 10 th Jan | Mr Coates writes to RACR [cc Mr Rendall - acting for CREM] re S22 inspection stating HML does not have the 2015 or 2016 vouchers and for 2014 only some invoices. Advises RACR it is CREM's responsibility and that Mr Rendall is acting for CREM on matters relating to Canary Riverside. | 60 |
| 6 th Feb | CREM's Judicial Review application refused. | |
| 10 th Feb | FTT issues Directions in relation to landlord's application to vary the Order, insurance , S20C, S20ZA | |
| 2 nd Mar | One day FTT hearing on landlord's application to retain responsibility for placing the buildings insurance . | |
| 6 th Mar | FTT issues Decision: Mr Coates to retain responsibility for insurance . | |
| 7 th Mar | Landlord requests permission to appeal insurance decision and a stay. | |
| 8 th Mar | FTT Decision re insurance , refusing landlord's application for a stay and permission to appeal. | |
| 17 th Mar | FTT issues S20C (costs) Decision, in favour of lessees. | |
| 22 nd Mar | One-day Upper Tribunal hearing/decision re insurance : <ul style="list-style-type: none"> - remits matter back to FTT, - allows landlord to place 2017/18 insurance | |
| 24 th Mar | RACR writes to Mr Rendall [for CREM] cc Mr Coates re S22 inspection of 2014, 2015 and 2016 accounts | 61 |
| 1 st Apr | Mr Rendall writes to RACR: records are with Marathon, landlord informed of RACR's request | 62 |
| 1 st Apr | Mr Coates writes to Mr Rendall re inspection of accounts | 63 |
| 4 th & 5 th Apr | Two-day FTT hearing in respect of CREM's application to vary the Order [LON/00BG/LVM/2016/0020] - <i>part heard</i> | |
| April | CREM appeals S20C Decision re S24 costs | |
| 28 th Apr | Mr Rendall writes to RACR: "I have passed the message to the landlord" | 64 |
| 29 th April | RACR sends letter to CREM copied to RACR members: <ul style="list-style-type: none"> - '[CREM] won the right to place the buildings insurance but it appears by doing so has earned 50% commission on a premium of £540,000' - '[CREM] has not provided lessees access to accounts/records to enable them to verify reasonableness of past expenditures'. | 65 |
| 2 nd & 3 rd May | Two-day FTT hearing in respect of CREM's application to vary the Order [LON/00BG/LVM/2016/0020] - <i>part heard</i> | |

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| 4 th May | FTT issues 'Rule 20 Order' compelling Marathon Estates to handover a computer and financial documents to Mr Coates. | |
| 10 th Jun | RACR writes to members asking for views on pursuing a S27A application to FTT to recover monies in respect of unreasonable service charges levied by CREM. | |
| 20 th & 21 st June | Two-day FTT hearing in respect of CREM's application to vary the Order [LON/00BG/LVM/2016/0020] | |
| 21 st Jul | FTT issues a draft new Management Order for comment. | |
| 7 th Aug | CREM writes to all lessees on legal actions: - <i>"Insurance: even though it was obvious it was going to cause a breach of the bank loan Mr Coates insisted on placing the insurance"</i> | |
| 22 nd Sept | One-day Upper Tribunal CMC re Rule 20 Order and Marathon Estates' failure to comply. Hearing set for 17 th Nov | |
| 26 th Sept | President of the FTT issues Directions transferring enforcement of the Management Order to the Upper Tribunal | |
| 29 th Sept | FTT issues Decision and new Management Order [LON/00BG/LVM/2016/0020] | |
| 10 th Oct | Mr Coates write to Mr Christodoulou re facilitating his inspection of the 2016/2017 service charge accounts produced by HML | |
| 13 th Oct | FTT issues clarification letter in response to RACR stating Mr Coates has effectively 'stepped into shoes of the landlord' and that consents etc are the responsibility of the S24 Manager. | |
| 27 th Oct | Landlord applies for permission to appeal FTT's 29 th Sept Decision to vary the Management Order | |
| 14 th Dec | Hearing scheduled at Upper Tribunal [LRX/84/2017] re Rule 20 Order and enforcement of the Management Order | |
| 2018 | | |
| 12 th Jan | FTT President issues Decision confirming FTT to review its Decision dated 27 th September 2017. | |
| 4 th Mar | RACR AGM – focus on ensuring continuation of S24 Order and following the progress of the variation applications to ensure lessees' interests are addressed. | |
| 6 th Mar | One-day FTT Case Management Conference re. Review of Sept 27 Decision, registration of restriction at Land Registry, Managers' applications to vary and S20ZA electricity meters. | |
| 23 rd Apr | RACR sends letter to CREM (copied to RACR members and residents): | |

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| | <ul style="list-style-type: none"> - '[CREM] convinced the Upper Tribunal that bank loan covenants require you to place the insurance – you didn't mention the substantial commission you would earn. - 'The buildings' insurance of £540,000 may include commissions of c£250,000 paid to you.' | |
| 25 th May | FTT issues Decision on Review of its 29 th September 2017 Decision | |
| 15 th Jun | Mr Coates applies to FTT to withdraw his S20ZA application in respect of electricity meters. | |
| 22 nd Jun | RACR appeals FTT Decision of 25 th May in respect of consents and sales packs | |
| 16 th -18 th Jul | FTT hears applications to vary the Management Order from Mr Coates and CREM | |
| 27 th Jul | FTT issues Decision rejecting RACR appeal of 22 nd June | |
| Unknown | CREM and others make Rule 13 and S20C application to FTT in respect of recoverability of Mr Coates' legal fees incurred in respect of his withdrawn S20ZA application. | |
| 3 rd Dec | One-day FTT hearing re Mr Coates' application to vary the Management Order | |
| 6 th Dec | Palm Trees [owner of four flats] submits S24(9) application to replace Mr Coates | |
| 2019 | | |
| 29 th Jan | FTT issues S20C Decision in respect of Mr Coates' S20ZA application: 'not appropriate to make a rule 13 costs order' | |
| 30 th Jan | <p>FTT issues Decision (dated 4th Dec 2018) in respect of Mr Coates' application to vary the Management Order:</p> <ul style="list-style-type: none"> - CREM/Octagon should provide to Mr Coates an explanation and the underlying documentation supporting the charge of £380,000 to residential lessees in respect of buildings insurance [para 65]. - Mr Coates is empowered to set up a fund/float to enable him to demand advance payment of the insurance premium from leaseholders so that he has the funds available by 1st April in order to be able to pay CREM/Octagon the insurance premium demanded at that date [para 63]. | |

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| 30 th Jan | CREM issues letter to lessees concerning LFB fire safety notices and advising it has made an injunction application against Mr Coates. RACR responds. | |
| 20 th Feb | FTT issues clarification letter following its 30 th Jan (4 th Dec) Decision: - It is the Tribunal's <i>view</i> that the parties should not apply set-off, eg, Mr Coates should not set-off the insurance premium payable to CREM against service charges due from CREM. | |
| 26 th Feb | Mr Coates makes S24(9) application to be discharged as S24 Manager with effect from 1 st October 2019. | |
| 11 th Mar | RACR AGM. - S24(9) submissions to ensure continuation of Management Order post-discharge of Mr Coates - S27A applications in respect of unreasonable service charges | |
| 13 th Mar | RACR writes to Mr Coates asking for confirmation on insurance in respect of potential anomalies in respect of legal rights of residential underleases, including inclusion of 'First Loss Payee' clause in favour of Santander and apparent absence of 'general interest' clause noting interests of residential leaseholders. | |
| 15 th Mar | FTT issues directions in respect of S24(9) applications by Palm Trees and Mr Coates. | |
| 12 th Apr | FTT issues supplemental Decision and Revised Management Order | |
| 19 th Apr | FTT issues revised Directions re S24(9) Applications | |
| 24 th Apr | Mr Coates replies to RACR's letter re insurance queries of 13 th March, attaching his email of 24 th April to CREM for copies of 'relevant insurance documentation'. | |
| 20 th May | Mr Coates sends RACR a copy of documents received from CREM re insurance: email dated 8 th May attaching the policy schedule and email dated 11 th May. Includes copy of insurance certificate stating sum insured but details of insurance premiums paid are omitted. | |
| 4 th -6 th Jun | Three-day FTT S24(9) hearing regarding discharge/replacement of Mr Coates | |
| 11 th Jun | RACR writes to CREM/Octagon expressing concerns re insurance policy and request: - Procedure used to obtain/place insurance | |

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| | - Confirmation from insurer re settlement of high-value (>£250k) claims and First Loss Payee clause favouring CREM's lender (Santander) | |
| 12 th Jun | FTT site visit | |
| 24 th Jun | CREM responds to RACR's letter of 11 th , provides no information on procedure used to place insurance nor confirmation from insurer re settlement of high value claims. | |
| 8 th Jul | One-day FTT S24(9) hearing regarding discharge/replacement of Mr Coates. | |
| 14 th Jul | RACR receives from Mr Coates a copy of insurance reinstatement cost valuation report procured by him for Canary Riverside dated 2 nd Dec 2016. | |
| 20 th Jul | RACR receives copy of email from Mr Coates to FTT attaching a Statutory Demand (from CREM) in respect of £1M in arrears of buildings insurance demands in respect of Canary Riverside (Residential). | |
| 26 th Jul | Leaseholders make S27A unreasonable service charges [insurance] application to FTT. | |
| 14 th Aug | One-day FTT hearing re S24(9) matter. | |
| 3 rd Sept | Mr Coates issues insurance 'float' demand to lessees in addition to the service charge demand due for payment on 1 st Oct. | |
| 6 th Sept | FTT decision re S24(9) appointing Mr Unsdorfer as new S24 Manager from 1 st Oct 2019, replacing Mr Coates | |