



**In the High Court of Justice
Queen's Bench Division
Administrative Court**

CO Ref: CO/5403/2016

09 FEB 2017

In the matter of an application for Judicial Review

The Queen on the application of

(1) OCTAGON OVERSEAS LIMITED
(2) CANARY RIVERSIDE ESTATE MANAGEMENT LIMITED

versus

UPPER TRIBUNAL

Interested parties:

RONNIE BARNES and others

**Application for permission to apply for Judicial Review
NOTIFICATION of the Judge's decision (CPR Part 54.11, 54.12)**

Following consideration of the documents lodged by the Claimant

Order by the Honourable Mr Justice Lavender

Permission is hereby refused.

Reasons:

1. There is no arguable case that the decisions of the Upper Tribunal and of the First Tier Tribunal were both wrong. In particular:
 - a. The First Tier Tribunal's findings amply justified the making of an immediate management order, even assuming that the First Tier Tribunal was mistaken as alleged in paragraphs 23 to 30 of the Grounds in relation to the chillers.
 - b. The First Tier Tribunal and the Upper Tribunal considered the Claimants' objections to Mr. Coates as the manager.
 - c. In relation to the conditions attached to the management order, the Upper Tribunal recognised in paragraphs 14 and 34 of its judgment that the Claimants could apply to the First Tier Tribunal under section 24(9) of the Landlord and Tenant Act 1987. That rendered an appeal unnecessary and inappropriate.
2. In any event, the application does not raise an important point of principle or practice and there is no other compelling reason to hear it.

CPR 54.7A applies to this case. By virtue of CPR 54.7A(8) the decision to

refuse permission is final and rule 54.12(3) (request for reconsideration at a hearing) does not apply.

Signed

Nicholas Lawrence

The date of service of this order is calculated from the date in the section below

Sent / Handed to the claimant, defendant and any interested party / the claimant's, defendant's, and any interested party's solicitors on (date):

Solicitors:

Ref No.

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