

# General Form of Judgment or Order

|  |                 |
|--|-----------------|
| In the County Court at<br>Central London |                 |
| Claim Number                             | D10CL312        |
| Date                                     | 1 February 2018 |



|   |  |
|---|--|
| CANARY RIVERSIDE ESTATES MANAGEMENT     | <b>1<sup>st</sup> Claimant</b><br>Ref DBM.83662.11     |
| OCTAGON OVERSEAS LIMITED                | <b>2<sup>nd</sup> Claimant</b><br>Ref DBM.83662.11     |
| WESTMINSTER MANAGEMENT SERVICES LIMITED | <b>3<sup>rd</sup> Claimant</b><br>Ref DBM.83662.11     |
| MARATHON ESTATES LIMITED                | <b>4<sup>th</sup> Claimant</b><br>Ref DBM.83662.11     |
| TOWER QUAY LIMITED                      | <b>5<sup>th</sup> Claimant</b><br>Ref DBM.83662.11     |
| ALAN COATES                             | <b>1<sup>st</sup> Defendant</b><br>Ref AS/EP/COAT008.4 |

Before His Honour Judge Gerald sitting at the County Court at Central London, Central London, R. C. J, Thomas More Building, Royal Courts Of Justice, Strand, London, WC2A 2LL.

UPON HEARING counsel for the Claimants and counsel for the First Defendant

AND UPON the First Defendant making concessions in relation to paragraphs 1, 2, 4, 6 and 7 of the Claimants' prayer for relief in their Amended Particulars of Claim dated 22 September 2017 resulting in the declarations and order 5 made below

IT IS DECLARED that:

1 The First Defendant is not entitled, as part of his management functions, to exclude, obstruct, impede or otherwise interfere with the Claimants' rights of access to the Retained Land.

2 The First Claimant, and its licensees, sub-tenants and agents are entitled to free and unlimited access to the Retained Land save where the same interferes with the First Defendant's proper performance of his obligations under the Management Order.

The court office at the County Court at Central London, Central London, R. C. J, Thomas More Building, Royal Courts Of Justice, Strand, London, WC2A 2LL. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number. Tel: 0300 123 5577 Fax: 0870 739 4144 (GOLD FAX). Check if you can issue your claim online. It will save you time and money. Go to [www.moneyclaim.gov.uk](http://www.moneyclaim.gov.uk) to find out more.

3 The First Defendant must exercise his powers as manager in accordance with the terms of the Management Order and in a non-discriminatory and independent way, in the interest of all lessees and tenants of the Estate and not in the interests of only some of the lessees and tenants or in his own interests.

4 The First Defendant must provide to the First Claimant prior written notification of all repairs being carried out on parts of the Estate other than those managed by the First Defendant pursuant to the Management Order; except in the case of an emergency in which case notification should be given immediately as soon as reasonably possible after the carrying out of the necessary repairs.

IT IS ORDERED that:

5 The First Defendant is to provide the First Claimant with written notification at least 7 days before carrying out major physical alterations to the Estate consistent with the Landlord & Tenant Act 1985 and the Management Order; except in the case of an emergency in which case notification should be given immediately as soon as reasonably possible after the carrying out of the necessary alterations.

6 The Claimants shall file and serve a skeleton argument setting out their arguments as to why the remaining part of the claim should be stayed by 4pm on 5 February 2018.

7 The First Defendant shall file and serve a skeleton argument in reply by 4pm on 12 February 2018.

8 The hearing today be adjourned and relisted for the first available date after 12 February 2018 before HHJ Gerald to deal with the issue of whether the remaining parts of the claim be stayed, any matters remaining from the First Defendant's application dated 27 October 2017, the Claimants' application dated 18 December 2017 and any necessary consequent directions including the approval of costs budgets.

9 The First Defendant shall pay to the Claimants the costs of the claim to date (including the costs of the Application dated 27 October 2017) save any costs incurred by the Claimants in respect of paragraph 28A and the third paragraph of the prayer of the Amended Particulars of Claim dated 22 September 2017, such costs to be assessed if not agreed.

10 The First Defendant shall forthwith make a payment on account of costs in the sum of £40,000 in respect of costs at 9 and 10.

11 The costs relating to paragraph 28A and the third paragraph of the prayer of the Amended Particulars of Claim dated 22 September 2017 shall be reserved and determined at the adjourned hearing.

Dated 1 February 2018