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Service

Upper Tribunal (Lands Chamber)

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Tanfield Chambers
2-5 Warwick Court
London
WC1R 5DJ

Your Ref: Ms Amanda Gourlay

Our Ref: LRX/135/2016

11 October 2016

Dear Sir/Madam,

LRX/135/2016

Canary Riverside Estate, Westferry Circus, London E14

Please find enclosed the decision dated 7 October 2016 refusing permission to appeal to the Lands Chamber.

Yours faithfully,


Enrico Matteoni
Direct Tel.: 020-7612-9710
For the Registrar

The Lands Chamber of the Upper Tribunal
is the successor to the Lands Tribunal

The office open hours are 9am to 4.30pm

UPPER TRIBUNAL (LANDS CHAMBER)



LRX/135/2016

TRIBUNALS, COURTS AND ENFORCEMENT ACT 2007

IN THE MATTER OF AN APPLICATION FOR PERMISSION TO APPEAL AGAINST A
DECISION OF THE FIRST TIER TRIBUNAL (PROPERTY CHAMBER) UNDER S.11 OF
THE TRIBUNALS COURTS AND ENFORCEMENT ACT 2007

B E T W E E N:

(1) OCTAGAN OVERSEAS LTD
(2) CANARY RIVERSIDE ESTATE MANAGEMENT LTD

Appellants

AND

VARIOUS LEASEHOLDERS AT THE CANARY RIVERSIDE ESTATE,
WESTFERRY CIRCUS, LONDON, E14

Respondents

Before Martin Rodger QC, Deputy Chamber President on 30.9.16, sitting in Court 21, Royal Courts of Justice, London.

UPON hearing Counsel (Mr Bates) for the appellants and Counsel (Ms Gourlay) for the Respondents

IT IS ORDERED THAT

- 1) Except as set out in paragraphs 3, 4 and 5, below, the application for a stay on the coming into force of the order of the First Tier Tribunal (Property Chamber) appended to the reviewed decision dated 15.9.16 is refused.

- 2) Permission to appeal is refused in respect of all four grounds of appeal for the reasons which were given orally at the hearing, the Tribunal being satisfied that none of the proposed grounds of appeal had a realistic prospect of success. The parties are at liberty to apply for a transcript of the judgment if they so wish.
- 3) Paragraphs 1(n) and 9 of the order of the FTT mentioned in para.1 are suspended and shall not come into force until 11.59pm on 28.10.16 (or further order, if earlier). The purpose of this suspension is to allow any or all of the parties and/or the appointed manager, Mr Alan Coates, to apply to the FTT to seek to have those provisions reconsidered under s.24(9), Landlord and Tenant Act 1987.
- 4) If an application to the FTT is made before 28.10.16, then the suspension will continue until the FTT has ruled on the application (or further order, if earlier).
- 5) The parties are also at liberty to agree between themselves that the suspension should continue (*e.g.* to facilitate negotiations).
- 6) The costs incurred by the appellants in connection with these proceedings before the Upper Tribunal are not to be regarded as relevant costs when determining the amount of any service charge payable by any of the respondents, pursuant to s.20C, Landlord and Tenant Act 1985.
- 7) The application for a stay of the FTT order mentioned in paragraph 1 so as to facilitate an application for judicial review of the refusal of permission to appeal is refused.



Martin Rodger QC
Deputy President

7 October 2016