



---

Residents' Association of Canary Riverside  
Berkeley Tower Canary Riverside  
48 Westferry Circus  
London  
E14 8RP

Your ref:

Our ref: LON/00BG/LVM/2018/0018

Date: 06 December 2018

---

Dear Sirs

**RE: Landlord & Tenant Act 1987 - Section 24(9)**

**PREMISES: Canary Riverside, Westferry Circus, London, E14 8RN**

The Tribunal has received an application in respect of the above premises and is required to give notice of that application to any person named in the application and whom the Tribunal considers is likely to be significantly affected by the application; or to any other person it considers appropriate. A copy of the application is enclosed for your information.

You have the right under regulations to apply to the Tribunal to be joined as a party (either as applicant or respondent) to the proceedings. If you do wish to be made a party, please apply to the Tribunal by completing and returning the enclosed proforma as soon as possible. Please note that the Tribunal may grant or refuse a request to be joined as a party and you will be notified accordingly.

Judge Vance has considered the application received on 29 November 2018 from Palm Trees Paradise Holdings Ltd seeking the removal of Mr Coates as manager of Canary Riverside.

He directs as follows:

This application will need to be served on all leaseholders. The applicant cannot do that as it is not in possession of the leaseholders' contact details and for data protection reasons I do not consider those contact details can be provided by the Manager to the applicant.

I therefore **direct** as follows:

1. The **Manager** must by **14 December 2018** provide the tribunal with stamped envelopes addressed to each of the leaseholders. The cost of doing so is to be paid by the applicant to the Manager and their representatives should liaise to agree the cost payable;

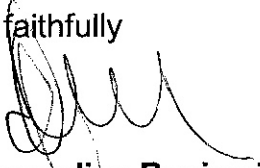
2. Also by **14 December 2018** the **applicant** must provide the tribunal with sufficient copies of the application so that one copy can be sent to each leaseholder.

Once those directions have been complied with the tribunal will post the application to the leaseholders and issue some initial directions.

It would be helpful if the Manager could provide an early indication as to whether this application is to be opposed.

Enclosed is a copy of our service standards. Our guidance on procedure booklet can be viewed on our website: <https://www.gov.uk/housing-tribunals>. If you would prefer a hard copy, please let me know.

Yours faithfully



**Ms Jacqueline Benjamin**  
**Case Officer**

**Reply To: Ms Jacqueline Benjamin**

**London Residential Property - First-tier Tribunal 10 Alfred Place, London,  
WC1E 7LR**

**Ref: LON/00BG/LVM/2018/0018**

**RE: Landlord & Tenant Act 1987 - Section 24(9)**

**PREMISES: Canary Riverside, Westferry Circus, London, E14 8RN**

I confirm that I wish to be treated as:

i) an applicant

ii) a respondent

to the application.

Please provide me with all of the documents associated with the application

**Signed:** .....

**Date:**.....

**(Please Complete in Block Capitals)**

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Application by a tenant for the appointment of a manager or for the variation or discharge of an order appointing a manager

Section 24 of the Landlord and Tenant Act 1987

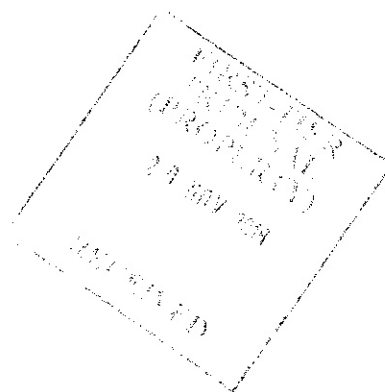
**It is important that you read the notes below carefully before you complete this form.**

This is the correct form to use if you want to ask the Tribunal to appoint a manager under section 24 of the Landlord and Tenant Act 1987, or to discharge or vary an order that has already been made. This form also allows you to ask for a dispensation of the requirement to serve a notice under section 22 of the 1987 Act.

**A fee is payable for this application (see section 15 for Help with Fees).** Please note that fee changes were made on 25 July 2016 in respect of all applications made on or after that date. The new fees are set out in this form.

**Please send your completed application form and fee (if applicable), together with the documents listed in section 15 of this form to the appropriate regional Tribunal.** (See the Annex to this form for regional office addresses). **Please do not send any other documents.** If and when further evidence is needed, you will be asked to send it in separately.

**If you have any questions about how to fill in this form, the fee payable, or the procedures the Tribunal will use, please call the appropriate regional office.**



If you are completing this form by hand please use BLOCK CAPITAL LETTERS.

**1. DETAILS OF APPLICANT(S) (if there are multiple applicants please continue on a separate sheet)**

Name:

Address (including postcode):

Address for correspondence (if different from above):

Telephone:

Day:

Evening:

Mobile:

Email address:

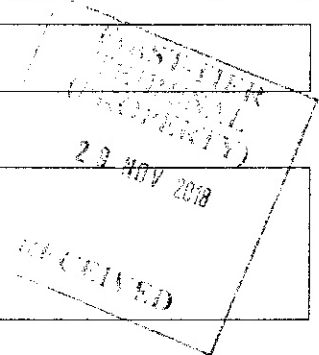
Fax:

Representative name and address, and other contact details: Where details of a representative have been given, all correspondence and communications will be with them until the Tribunal is notified that they are no longer acting for you.

Name:

Reference no. (if any)

Address (including postcode):



Telephone:

Day:

Mobile:

Email address:

Fax:

**Note:** The Tribunal may copy the application form to other appropriate persons (e.g. other service charge paying leaseholders in the building or development). If you do not want your telephone/fax number or email address to be disclosed to other such persons please omit those details from Box 1 and attach them on a separate sheet.

Where details of a representative have been given, all correspondence and communications will be with them until the Tribunal is notified that they are no longer acting.

**2. ADDRESS (including postcode) of SUBJECT PROPERTY (if not already given)**

- (1) Apartment 62 Belgrave Court; 36 Westferry Circus London E14 8RJ and parking space 28.
- (2) Apartment 144 Eaton House; 38 Westferry Circus London E14 8RN.
- (3) Flat 54 Eaton House; 38 Westferry Circus and parking space 93 London E14 8RN.
- (4) Apartment 116, Eaton House, 38 Westferry Circus and parking space 80 London E14 8RN.

**3. BRIEF DESCRIPTION OF BUILDING (e.g. purpose built block of flats)**

4 Purpose built blocks of flats at Westferry Circus, London E14 8RN

**4. DETAILS OF RESPONDENT (S) the person against whom an applicant seeks determination from the tribunal – this will only be the landlord's managing agent if they are a party to the lease. If there are multiple respondents, please continue on a separate sheet.**

Name: Alan Coates

Capacity: Manager

Address (including postcode):

HML PML Ltd; Stonemead House; 95 London Road; Croydon; Surrey CRO 2RF

Reference no. (if any): RH/RH/1453

Address for correspondence (if different from above):

Telephone:

Day: 0208 256 4400

Evening:

Mobile:

Email address: Alan.Coates@hmlgroup.com

Fax:

**Note:** This form asks you to provide the details of parties to the application. (For example the landlord and any management company which owes management obligations to you under your tenancy). Additionally, the Tribunal needs to know the names and addresses of other people who may be significantly affected by the application such as other lessees in the building. Please provide a list of the names and addresses of any such person(s). If this is not possible or is impractical, then a written statement should be provided with this application.

**5. DETAILS OF LANDLORD (if not already given)**

Name

Address (including postcode):

Reference no. (if any)

Telephone:

Day:  Evening:  Mobile:

Email address:  Fax:

**6. DETAILS OF ANY RECOGNISED TENANTS' ASSOCIATION (if known)**

Name of Secretary

Address (including postcode):

Telephone:

Day:  Evening:  Mobile:

Email address:  Fax:

## 7 ORDER SOUGHT

### Applications where no manager yet appointed by a Court or a Leasehold Valuation Tribunal or the First-tier Tribunal

- Are you asking for the Tribunal to appoint a manager?  Yes  No
- If so, have you served a section 22 notice?  Yes  No
- If not, are you seeking a dispensation? (see *Guidance Note*)  Yes  No

### Applications where a manager has previously been appointed by a Court or a Leasehold Valuation Tribunal or the First-tier Tribunal

What is the date of the order appointing a manager and when is the order due to expire? 1 September 2017; 1 September 2020

- Do you seek a variation of the order?  Yes  No
- Do you want the order to be discharged?  Yes  No

Please complete the section entitled 'GROUNDS FOR APPLICATION'

#### Please note

No application for the appointment of a manager may be made to the Tribunal unless a notice under section 22 of the 1987 Act has first been served. Service of such a notice may only be dispensed with by the Tribunal if it is satisfied that it would not be reasonably practicable to serve such a notice.

## 8 MANAGER TO BE APPOINTED

If you are making an application to appoint a manager or to vary an order appointing a manager by the substitution of a new manager, please give details of the person you wish to have appointed.

Name

Professional qualification (if any)

Address (including postcode):

Telephone:

Fax:



## 12. TRACK PREFERENCES

We need to decide whether to deal with the case on the Fast Track or the Standard Track (see Guidance Note for an explanation of what a track is). Please let us know which track you think appropriate for this case.

Fast Track  
 Standard Track

Is there any special reason for urgency in this case?

Yes  No

If Yes, please explain how urgent it is and why:

The Applicant's complaint about the manager is that he is spending inordinate sums on legal and other professional fees. In the year to 31 March 2017 he incurred liabilities of £149,577 on legal fees and £150,150 on other professional fees. The equivalent figures for the year to 31 March 2018 are £473,639 and £225,339 and unless restrained this expenditure seems destined to increase.

### Note

The Tribunal will normally deal with a case in one of three ways: on paper (see section 11 above) or 'fast track', or 'standard track'. The fast track is designed for cases that need a hearing but are very simple and will not generate a great deal of paperwork or argument. A fast track case will usually be heard within 10 weeks of your application. You should indicate here if you think your case is very simple and can be easily dealt with. The standard track is designed for more complicated cases where there may be numerous issues to be decided or where for example, a lot of documentation is involved. A standard track case may involve the parties being invited to a Case Management Conference which is a meeting at which the steps that need to be taken to bring the case to a final hearing can be discussed.

## 13. AVAILABILITY

If there are any dates or days we must avoid during the next four months (either for your convenience or the convenience of any expert you may wish to call) please list them here.

Please list the dates on which you will NOT be available:

## 14. VENUE REQUIREMENTS

Please provide details of any special requirements you or anyone who will be coming with you may have (e.g. the use of a wheelchair and/or the presence of a translator):

*Applications handled by the London regional office are usually heard in Alfred Place, which is fully wheelchair accessible. Elsewhere, hearings are held in local venues which are not all so accessible and the case officers will find it useful to know if you or anyone you want to come to the hearing with you has any special requirements of this kind.*

## 15. CHECKLIST

Please check that you have completed this form fully. The Tribunal will not process your application until this has been done. Please ensure that the following are enclosed with your application:

- A copy of the section 22 notice (if any) is enclosed.
- A copy of the previous order appointing a manager (if applicable) is enclosed
- A list of the names and addresses of persons who might be significantly affected by this application is enclosed
- A crossed cheque or postal order for the application fee of £100 (if applicable) is enclosed. Please put your name and address on the back of any cheque you send.

**DO NOT send cash under any circumstances. Cash payment will not be accepted.**

**Fees should be paid by a crossed cheque made payable to, or a postal order drawn in favour of, HM Courts and Tribunals Service.**

Please note where there is to be a hearing, a fee of £200 will become payable by you when you receive notice of the hearing date.

### Help with Fees

If you think you may be entitled to a reduced fee, the guide EX160A 'Apply for help with court, tribunal and probate fees' outlines how you can submit an application for Help with Fees.

You can submit your Help with Fees application online at [www.gov.uk/help-with-court-fees](http://www.gov.uk/help-with-court-fees) or by completing the form EX160 'Apply for help with fees'. You can get a copy of the 'Apply for help with fees' form online at [www.gov.uk/government/publications/apply-for-help-with-court-and-tribunal-fees](http://www.gov.uk/government/publications/apply-for-help-with-court-and-tribunal-fees) or from your regional tribunal office.

If you have completed an online application for Help with Fees please enter the reference number you have been given here.

H	W	F	-				-			
---	---	---	---	--	--	--	---	--	--	--

If you have completed form EX160 "Apply for Help with Fees" it must be included with your application.

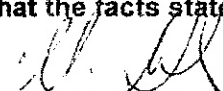
The 'Apply for help with fees' form will not be copied to other parties.

## 16. STATEMENT OF TRUTH

The statement of truth must be signed and dated.

I believe that the facts stated in this application are true.

Signed:

  
M. Destraz

Dated:

28-11-2018

## GROUND(S) FOR APPLICATION

Please use the space below to summarise the ground(s) of your application.

You will be given an opportunity later to give further details of your case and to supply the Tribunal with any documents that support it. At this stage you should give a clear outline of your case so that the Tribunal understands what your application is about. Please continue on a separate sheet if necessary.

Please select as appropriate:

This is an application for the appointment of a manager

and/or

Dispensation from the need to serve a notice under section 22

An application for the discharge of an order appointing a manager

An application for the variation of an order appointing a manager

Now complete the rest of this form:

The grounds for the application are as follows

The Applicant seeks the removal of Alan Coates as the manager of the Premises referred to in Part 3. The Applicant is the lessee of 4 apartments in the Premises and it applies accordingly.

The Applicant's complaint centres on the inordinate sums spent on litigation and related matters. In the year to 31 March 2018 Legal Fees have amounted to £473,639 and other professional fees to £225,339. In 2017 they were £148,577 and £150,150 respectively. This is to be compared to very low sums of around £2,000 per annum before the disputes involving the Manager first arose.

The costs under the Management Order must be reasonable: see paragraph 26 of the Order. However the Manager pursues litigation which (a) is defective in that claims have no merit and defences are abandoned at the court door (b) it is unclear what legal advice he is receiving and (c) if he is receiving competent advice whether he is ignoring it.

The Applicant/Tenant understands that the Manager has commenced proceedings over access and key supply (with no legal basis to do so), and proceedings under section 20ZA of the Landlord and Tenant Act 1987 concerning electricity meters involving multiple hearings but which were ultimately unsuccessful. The Applicant/Tenant also understands that the Manager has defended proceedings relating to access to the Property that he ultimately abandoned, and discrimination proceedings on no apparent basis. He also continues long running litigation about the terms of the Management Order to which reference is made above in Part 9.

The Applicant/Tenant also has complaints about the failure to provide adequate information. These concerns were raised in a letter from the Applicant/Tenant's then solicitors dated 22 June 2018, which met with an astonishingly brusque reply from the Manager dated 3 July 2018, which contained none of the information reasonably requested. It also suggested a misunderstanding of the limitations on recovery of costs contained in paragraph 26 of the Management Order, or a disregard for this provision.

The Applicant/Tenant has concluded that there is no alternative but to seek the removal of Mr Coates as Manager.