



**FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)**

Case reference : **LON/00BG/LVM/2019/0010**

Property : **Canary Riverside Estate,
Westferry Circus, London E14
(the "Estate")**

Applicant : **Alan Coates, tribunal appointed
manager**

**Applicant's
Representative** : **Downs LLP**

Respondent : **(1) Octagon Overseas Limited
(2) Canary Riverside Estate
Management Limited**

**Respondent's
Representative** : **Freeths LLP**

Interested Persons : **(1) the 54 leaseholders
represented by the Residents
Association of Canary
Riverside as shown in the
schedule attached to this
application**

(2) Yianis Hotels Limited

(3) Mr J Christodoulou

(4) YFSCR Limited

Type of application : **Discharge of order for appointment
of a manager**

Tribunal Judge : **Judge Amran Vance**

Venue : **10 Alfred Place, London WC1E 7LR**

Date of directions : **15 March 2019**

DIRECTIONS

BACKGROUND

- (1) Mr Coates is the current tribunal-appointed manager under a management order initially made by the tribunal on 5 August 2016 (amended following a decision on review dated 15 September 2016) and varied by the tribunal on 29 September 2017, 18 July 2018 and 4 December 2018. The existing order of appointment expires on 30 September 2021.
- (2) In this application he seeks his discharge as manager under section 24(9) of the Landlord and Tenant Act 1987 (the "Act"). The respondents are, respectively, the freeholder and the headlessee of flats at Canary Riverside Estate, Westferry Circus, London E14 (the "Estate").
- (3) He seeks discharge on the grounds of: his health; the extent of litigation that has followed his appointment which he asserts has been driven by the landlord's overzealousness; and the poor financial situation regarding outstanding service and utility charges.
- (4) This application has been made after the issue of application **LON/00BG/LVM/2018/0018**, made by Palm Trees Paradise Holdings Ltd, the leaseholder of four flats on the Estate seeking Mr Coates discharge as manager, to be replaced by Jon Edwards of Lambert Smith Hampton, North Point, Stafford Drive, Battlefield Enterprise Park, Shrewsbury, SY1 3BF. Directions on that application have been issued by the tribunal dated 12 February 2019. Further directions have been made on 15 March 2019 listing the application for a three-day final hearing on 4 – 6 June 2019 inclusive.
- (5) This application was expected when I made my directions of 12 February 2019 in application **LON/00BG/LVM/2018/0018** and I indicated in those directions that if Mr Coates made this application, the two applications should be listed for hearing together. That intention is given effect in my directions below.
- (6) The parties are referred to the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 for guidance on how the application will be dealt with.

DIRECTIONS

1. The tribunal will reach its decision on the basis of the evidence produced to it and it will need to be satisfied that it is appropriate to discharge Mr Coates. The tribunal will also need to consider:

- Whether the discharge should be made on conditions;
- What arrangements will be made for any handover, including:
 - Up-to-date service charge accounts; and
 - The balance of service charge monies held by Mr Coates, with a statement showing how the sum handed over is reached, starting with an opening balance and ending with a closing balance and showing all transactions in-between.

Service of the application and supporting documents on potentially interested persons

2. The application and accompanying documents are to be served by Downs LLP on all leaseholders on the Estate and, if this has not already occurred, on the respondents, by **27 March 2019**.

Addition of interested persons

3. Given their likely interest in this application, the 54 residential leaseholders who applied to be joined as Active Respondents in application **LON/00BG/LVM/2018/0018** and who indicated that their representative in that application is the Residents Association of Canary Riverside are added as Interested Persons to this application. If any such leaseholder wishes to be removed as an Interested Person, to either or both applications they can, at any time, make such an application (in writing) to the tribunal.
4. Any remaining leaseholder is entitled to apply to be added as an interested person to this application and may do so by making such a request in writing to the tribunal, copying in Downs LLP. Any such application should be made by **8 April 2019**.
5. I also add the following as interested persons given their expressed interest in **LON/00BG/LVM/2018/0018**:
 - Yianis Hotels Limited, represented by Freeths LLP
 - Mr J Christodoulou, represented by Freeths LLP
 - YFSCR, represented by Freeths LLP

Mr Coates' case

6. In addition to the application and supporting documentation already provided to the tribunal, Mr Coates must prepare a bundle of relevant documents for use by the tribunal at the hearing, and by **1 April 2019** send **three** copies of the bundle to the tribunal and **one** copy to the respondents (and to any party who has been joined to the proceedings as an interested person).
7. The bundle should be filed, indexed and numbered page-by-page, and must include:
 - a full written statement of case in support of the application providing current details of the service charge account and any reserve account;

- proposed arrangements for any handover of the management function, including of service charge accounts, monies in hand and a statement of income and expenditure during the present appointment, with opening and closing balances;
- any witness statements of fact relied upon (with a signed statement of truth).

The Respondents' Case

8. By **15 April 2019** the respondents shall send **three** copies of a bundle of documents (filed, indexed and numbered page-by-page) to the tribunal and **one** to the applicant (and to any other party joined to the proceedings as an interested person).
9. The bundle shall include:
 - a statement in response to the application; and
 - any witness statements of fact (with signed statement of truth).

Leaseholders' case

10. Any leaseholder joined to the proceedings as an interested person who wishes to make representations concerning the application shall by **26 April 2019** send **three** copies of a bundle of documents (filed, indexed and numbered page-by-page) to the tribunal and **one** to the applicant (and to any other party joined to the proceedings as an interested person).
11. The bundle shall include:
 - a statement of case in response to the application;
 - any witness statements of fact (with signed statement of truth; and see notes below);

Other matters

12. Any application for an order under section 20C of the Landlord and Tenant Act 1985 and/or for the reimbursement of fees will be dealt with at the hearing. The parties may wish to make written representations on this in their statements of case, or orally at the end of the hearing.

Hearing/inspection arrangements

13. This application will be determined together with application LON/00BG/LVM/2018/0018, during the three-day hearing on **4 – 6 June 2019** inclusive at 10 Alfred Place, London WC1E 7LR, commencing at 10am. If, at any time, a party considers this to be an unrealistic estimate, they should write to the tribunal (and send a copy to the other parties explaining why).

14. The tribunal will wish to inspect the Estate and will arrange a time to do so with the parties during the hearing.

Name: Amran Vance

Date: 15 March 2019

NOTES

- (a) Whenever you send a letter or email to the tribunal you must also send a copy to the other parties and note this on the letter or email.**
- (b) If the applicant fails to comply with these directions the tribunal may strike out all or part of their case pursuant to rule 9(3)(a) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 (“the 2013 Rules”).**
- (c) If the respondent fails to comply with these directions the tribunal may bar them from taking any further part in all or part of these proceedings and may determine all issues against it pursuant to rules 9(7) and (8) of the 2013 Rules.**
- (d) Witness statements should identify the name and reference number of the case, have numbered paragraphs and end with a statement of truth and the signature of the witness. Original witness statements should be brought to the hearing. In addition, witnesses are expected to attend the hearing to be cross-questioned as to their evidence, unless their statement has been agreed by the other party. The tribunal may decline to hear evidence from any witness who has not provided a statement in accordance with the above directions.**