



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

Case reference LON/00BG/LVM/2021/0003

Property Canary Riverside Estate,
Westferry Circus, London E14
(the “Estate”)

Applicants Leaseholders represented by the
Residents Association of Canary
Riverside

Respondents (1) Canary Riverside Estate
Management
Limited (“CREM”)
(2) Octagon Overseas Limited
 (“Octagon”)
(3) Riverside CREM 3 Limited
 (“Riverside”)

Interested Persons (1) Mr Sol Unsdorfer, tribunal
appointed manager

(2) Circus Apartments Limited

Type of application An application under rule
18(3)(b) of the Tribunal
Procedure (First-tier tribunal)
(Property Chamber) Rules 2013

Tribunal Judge Judge Amran Vance

Date 24 June 2022

DECISION

BACKGROUND

1. In an application dated 29 April 2022, the Applicant residential leaseholders applied for an interim order for permission to use, in these proceedings, a document disclosed by Reich Insurance Brokers Ltd (“Reich”) on 15 March 2022 in related proceedings, LON/00BG/LSC/2019/0277. The related proceedings concern the leaseholders challenge, brought under s.27A Landlord and Tenant Act 1985, to insurance costs incurred by the Respondents. These proceedings concern the leaseholders application to extend the term of the current management order for the Canary Riverside Estate (“the Estate”) made under the provisions of s.24 Landlord and Tenant Act 1987.
2. The document in question is a one-page schedule entitled “Reich/YG Premiums and Earnings Summary” and details the premiums paid for insuring properties in the Yianis Group portfolio, including the Estate, for the years 2013 – 2021. The document includes a breakdown of commissions and fees paid for the placing of that insurance.
3. The document was disclosed following the tribunal’s order, made under Rule 20(1)(b) of the Tribunal Procedure (First-tier tribunal) (Property Chamber) Rules 2013 (“the 2013 Rules”), dated 1 March 2022, in which Reich was ordered to disclose a copy of its electronic spreadsheet(s) setting out, and breaking down, the amount of any commission or remuneration which either it received, or paid, or which had been paid through it, to the First or Second Respondents, or their agents, and/or to any third party.
4. The Applicants’ position is that they wish to be able to rely upon the disclosed document in support of their contention that the current management order be extended. They contend that its relevance is indisputable.
5. The Respondents’ position, as set out in an email from their solicitors, Freeths LLP dated 14 June 2022, is that whilst they do not agree its relevance, they have no issue with the document being relied upon in the manner sought in this application, provided that all and any information that does not relate to the Canary Riverside Estate is redacted.

6. Reich's position, as specified in letters from its solicitor, Wedlake Bell LLP to the tribunal dated 20 May 2022 and 13 June 2022 is that it adopts a neutral position as to whether the order should be made, but that it would prefer for the information in the document to remain confidential.
7. Rule 18(3) of the 2013 Rules provides as follows:
 - 18 (3) A party to whom a document has been disclosed may use the document only for the purpose of the proceedings in which it is disclosed except where-
 - (a) the document has been read to or by the Tribunal, or referred to, at a hearing which has been held in public;
 - (b) the Tribunal gives permission; or
 - (c) the party who disclosed the document and the person to whom the document belongs agree.

Decision and Reasons

8. Reich's neutral stance does not equate to consent, and so Rule 18(3)(c) is not engaged. Nor is Rule 18(3)(a), as the document has not been read to or by the Tribunal, or referred to, at a public hearing. This application is therefore appropriately brought under Rule 18(3)(b).
9. I grant permission to the Applicants to use the document, and the information contained in the document, in these proceedings. It is the Applicants case, in the underlying s.24 application, that the Respondent landlords have not been transparent in their financial management of the Estate, including as to the service charges payable by them, and commissions paid for the placing of insurance. I am satisfied the document disclosed by Reich is relevant, and of potential probative value, to that question, and that, in consequence, that it is relevant to the question of whether or not the management order should be extended.
10. Reich have stated that it would prefer for its documentation to remain confidential. However, no confidentiality provisions were attached to the tribunal's Rule 20(1)(b) Order of 1 March 2022, and Reich have not sought an order under Rule 18(4) restricting or prohibiting the use of the disclosed document. As such, I do not consider Reich's desire for confidentiality to be any bar to my grant of permission. The grant of permission is subject to the proviso that any information that does not relate to the Canary Riverside Estate is redacted, as, in any event, appears to be the case in the document disclosed by Reich.

Name: Amran Vance

Date: 24 June 2022

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.

The application for permission to appeal must arrive at the regional office within 28 days after the tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28-day time limit, such application must include a request for an extension of time and the reason for not complying with the 28-day time limit; the tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).