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Various Leaseholders at Canary Riverside  
c/o RACR Berkeley Tower  
48 Westferry Circus  
London  
E14 8RP

Your ref:  
Our refs: LON/00BG/LVM/2021/0003  
LON/00BG/LVM/2021/0012

**By email only**

Date: 30 January 2023

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Dear Sirs

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

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

Judge Vance **directs** as follows:

1. I am grateful to the parties for their response to the tribunal's letter of 19 January 2023. My observations and directions are as follows:
  - (a) I agree with CAL that the tribunal should list the outstanding s.24 variation applications now, so that dates are set. The parties should liaise with each other regarding availability, and an appropriate listing window, and revert to the tribunal with proposals by **10 February 2023**.
  - (b) With regard to Freeths email of 25 January, I do not see why its clients' intended application to the Upper Tribunal in respect of the Deputy President's order of 25 October 2022 should be determined before the s.24 applications are progressed. That order prevented disclosure or publication of the material referred to, but publication will not be an issue until the final hearing in these applications, or possibly at an interim hearing, when, if appropriate, this tribunal can make an appropriate order to preserve confidentiality. Further, the Deputy President's order makes clear that the FTT may, by order, permit disclosure or publication of the material, so I am not clear why an application is being made to the Upper Tribunal as opposed to this tribunal. In any event, I see no reason why this issue should delay the listing of the applications for final hearing, nor the issue of further directions.
  - (c) Is there any reason why the Landlords' disclosure application and Circus' application to exclude evidence should not be heard together? That would hopefully save on costs. If not, then I propose we proceed on that basis and list these applications for hearing together. If there is a good reason why they cannot be determined together, then it would seem appropriate to determine the Landlord's application first. Again, the parties should liaise, and revert to the tribunal with proposals by **10 February 2023**.

- (d) The directions proposed in NRF's email of 26 January regarding Circus' application to exclude evidence, namely for the Landlords to set out their case first as to whether any exception to the protection afforded by CPR 31.22 applies, appears to me to be an appropriate direction. The parties should liaise, and revert to the tribunal with proposals in respect of this proposed direction, and consequential directions, by **10 February 2023**.
- (e) As to the Manager's application, it appears sensible to me to wait until the Upper Tribunal's determination of the Manager's application to appeal in respect of the Legal Costs variation, before determining the Bad Debts and Shared Facilities variations. Wallace should inform the tribunal by **3 February 2023**, whether a hearing date has been set for that appeal, and further consideration will be given to Wallace's request.

Yours faithfully

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

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Date: 19 January 2023

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Dear Sirs

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

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

Now that the Upper Tribunal has determined the applications for permission to appeal his decision of 9 March 2022, can the parties please confirm by **25 January 2023**, whether they agree that the current stay of proceedings should be lifted and, if so, whether any further directions are sought prior to the listing of the applications for determination.

Yours faithfully

**Ms Jacqueline Benjamin  
Case Officer**