



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

Case references : **LON/00BG/LVM/2022/0011**

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

Applicant **Circus Apartments Limited**
**represented by Norton Rose
Fullbright LLP**

Respondents : **(1) Octagon Overseas Limited
 (“Octagon”)
(2) Riverside CREM 3 Limited
 (“Riverside”)
(3) Canary Riverside Estate
 Management
 Limited (“CREM”)
(4) Mr Sol Unsdorfer
(5) Leaseholders represented by
 the Residents Association of
 Canary Riverside**

Represented by : **(1) - (3) Freeths LLP
(4) Wallace LLP
(5) Residents’ Association of
 Canary Riverside**

Type of applications : **Variations of order for
 appointment of a manager**

Tribunal Judge : **Judge Amran Vance**

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

Date of directions **24 May 2022**

DIRECTIONS
Amended 22 June 2022

BACKGROUND

1. This is an application made by CAL under s.24(9) Landlord and Tenant Act seeking variations to the current Management Order for the Canary Riverside Estate, last varied on 28 April 2021. The first three Respondents are referred to collectively as “the Landlords” in these directions. Mr Unsdorfer is the current tribunal-appointed Manager of the Estate.
2. The variation sought is for:
 - (a) an order, varying by way of clarification of the Management Order, to make explicit that the function of inspection under clause 16 of CAL’s Lease, and the other leases of Flats on the Estate, is a management function of the Manager (which by virtue of paragraph 6 of the Management Order cannot be exercised by the Landlords); or, alternatively, if it is currently a right exercisable by the Landlords, and not a function of the Manager;
 - (b) an order substantively varying the Management Order to the effect that the function of inspection under clause 16 of CAL’s Lease, and the other leases of Flats on the Estate, is a management function of the Manager (which by virtue of paragraph 6 of the Management Order cannot be exercised by the Landlords).
3. It would appear appropriate for this application to be case managed and heard together with the ongoing applications for variations of the Management Order pursued by CAL and RACR in applications LON/ooBG/LVM/2021/0003 and LON/ooBG/LVM/2021/0004. Those applications are currently stayed pending the outcome of an appeal to the Upper Tribunal (Lands Chamber).

DIRECTIONS

Service of Applications

1. Mr Unsdorfer shall by **23 June 2022** send copies of this application and these directions to all registered tenants on the Estate. These may be sent by email.
2. If any tenant wishes to be added as an Applicant or Respondent to either application, they must by **5 July 2022** send an email to the tribunal, and to the Applicants and Respondents to the relevant application, requesting their addition.

Statements of Case from CAL

3. By **19 July 2022** CAL must serve on all Respondents, and any other tenant who has asked to be added as a party to the application, a full Statement of Case in support of its application, together with any witness statements of fact relied upon.

Response from Mr Unsdorfer and any additional joined parties

4. By **9 August 2022** Mr Unsdorfer, and any parties joined to this application since the issue of these directions, must serve on all parties a Statement of Case in response, together with any witness statements of fact relied upon.

Landlord's Response

5. By **13 September 2022**, Octagon, CREM, and Riverside must serve on all parties a Statement of Case in response to the applications, together with any witness statements of fact relied upon.

Replies from CAL

6. By **4 October 2022**, CAL may serve a statement of case in reply.

Hearing

7. The application will be listed for a hearing together with the ongoing applications pursued by CAL and RACR in applications LON/00BG/LVM/2021/0003 and LON/00BG/LVM/2021/0004. The hearing will be listed once the stay of those applications is lifted.
8. It is open to CAL, or the Respondents, to apply to the tribunal for this application to be determined separately if there is an urgent need for a separate determination, or if the current appeal to the Upper Tribunal becomes protracted, or is the subject of a further appeal.

Name: Amran Vance

**Date: 24 May 2022
Amended 22 June 2022**

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 an 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 a 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.**