



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

Case references	:	LON/00BG/LVM/2016/0020 LON/00BG/LVM/2016/0023 LON/00BG/LDC/2016/0141 LON/00BG/LDC/2018/0004 LON/00BG/LVM/2018/0005 & LON/00BG/LVM/2018/0006
Property	:	Canary Riverside Estate, Westferry Circus, London E14
Applicants/respondents represented by Trowers & Hamblins LLP	:	(1) Octagon Overseas Limited (2) Canary Riverside Estate Management Limited (CREM) (3) Palace Church 3 Limited (4) YSCR Limited (5) Yianis Hotels Limited
Applicant/respondent represented by Downs LLP	:	Alan Coates (tribunal-appointed manager)
Interested persons	:	Section 24 applicant leaseholders
Type of application	:	Variation of order for appointment of a manager
Tribunal Judge	:	Judge Timothy Powell
Venue	:	10 Alfred Place, London WC1E 7LR
Date of directions	:	3 July 2018

DECISIONS ON AN APPLICATION TO VARY DIRECTIONS

Background

- (1) Those parties represented by Trowers & Hamblins (the “landlord-side”) have requested a variation to the (already amended) timetable of the directions dated 6 March 2018, to enable them “to comply with paragraph 3.2 of the directions” and “to prepare properly” for the final hearing. Those parties accept that the variation sought, if granted,

would result in the loss of that final hearing, currently fixed for 4 days from 16 July 2018.

- (2) The other parties (the leaseholders and manager) strongly oppose the request and claim not only that they will suffer prejudice, but that the request both seeks *“to undermine the tribunal’s intentions”* in respect of earlier decisions and *“make the manager’s position, and good management of the estate, untenable.”*
- (3) In the absence of Judge Vance, who has conducted this matter but who is on leave, all the points raised by the parties in their letters dated 2 and 3 July 2018 have been considered by me, Judge Powell, and I have made the following decisions.

Decisions

Pursuant to rule 6 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 and having regard to the overriding objective contained in rule 3, I make the following decisions:

1. The date for compliance with direction 3.2 (response by CREM/Octagon, Yianis Hotels/Palace Church 3 and the section 24 application leaseholders) is extended to **1 pm on Friday, 6 July 2018;**
2. The date for compliance with direction 3.3 (manager’s reply) is extended to 5pm on **Wednesday, 11 July 2018;**
3. The date for compliance with direction 3.4 (provision of hearing bundles) remains at 5pm on **Thursday, 12 July 2018;**
4. The 4-day hearing commencing **Monday, 16 July 2018** remains, as planned.

Reasons

My reasons for these decisions are each and all of the following:

- 1) The original directions timetable, including the 4-day hearing currently listed for Monday 16 July 2018, was made with the parties present and with their agreement; and all subsequent variations to that timetable, on 3 May, 11 June and 28 June 2018, were made with the parties’ agreement;
- 2) This is a very long-running dispute, where the issues and the arguments are well-known to the parties and have been rehearsed by them on previous occasions. Much, if not the bulk, of the documentation is already familiar to the applicants; and they have given no compelling reasons why they are unable to deal with the material received from the tribunal-appointed manager;
- 3) The parties have known about the hearing fixture for four months and to grant the further extension of time sought in respect of direction 3.2 (to 12 July 2018), would result in the loss of that fixture;

- 4) This problem was foreseen when a previous variation by letter dated 11 June 2018 contained the following instruction to the parties: *“On balance, and having regard to the overriding objective, I consider the following variations to the directions timetable to be appropriate. However, the parties should note that there is now no room for any slippage from the directions timetable if the hearing dates for the application are to be maintained. Resources should be allocated as necessary so as to ensure that this is the case”*;
- 5) The other parties have objected strongly to the extension request on the grounds that, amongst other things, they would be prejudiced by a variation that would lead to a postponement of the hearing. This is not only because it could result in further delay in resolving the outstanding issues and settling on a workable management order, but also because arrangements have already been made for attendance at the hearing;
- 6) The request has been made only shortly before the hearing and I do not accept the contention that the hearing, or its potential outcome, will be rendered uncertain, simply because the leaseholders have sought a review of a part of the tribunal’s decision of 25 May 2018;
- 7) A tribunal has been booked to hear this case and a postponement at this late stage would result in an unjustifiable waste of the tribunal’s limited resources that deprives others of their proper entitlement;
- 8) Having said all of the above, I consider that it is reasonable to vary the directions timetable very slightly, as indicated in my decisions above, to allow further time for preparation by the parties, striking a balance between the needs of the parties, and avoiding the loss of the final hearing. I have deliberately required compliance with direction 3.2 by 1 pm on 6 July, to give the other parties time to consider the response(s) received in the afternoon and before the weekend;
- 9) Although the (previously agreed) date for the provision of hearing bundles remains at 12 July 2018, I consider that these can continue to be prepared at the same time as the other remaining directions are being worked through, so that the short time between the manager’s reply and provision of bundles should be manageable;
- 10) Finally, any further applications should be made as soon as possible, but will be dealt with at the commencement of the hearing itself.

Name: *Timothy Powell*

Date: 3 July 2018

