



HM Courts
& Tribunals
Service

**Property Chamber
London Residential Property
First-tier Tribunal**

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Your ref: EG1

Our ref: LON/00AW/LSC/2016/0115

Date: 12 May 2016

13 MAY 2016

Dear Sirs

RE: Landlord & Tenant Act 1985 - Section 27A(1)

PREMISES: Pointwest Building, 116 Cromwell Road, London, SW7 4XA

Following the case management conference on 10th May, the Tribunal has issued the enclosed Directions. A further Case Management Conference will take place at 10am on 4th October.

Yours faithfully

**Mrs Cheryl Reid
Case Officer**



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

Case reference : **LON/00AW/LSC/2016/0115**

Property : **Point West Building, 116 Cromwell Road, London SW7 4XA.**

Applicant : **Point West GR Limited**

Represented by : **Fladgate Solicitors**

Respondent : **Various Leaseholders as per the application.**

Represented by : **In part by Messrs Parkgate Aspen**

In Attendance : **Mr. Guna-Ratna of Counsel for the Applicants;
Ms. Green – Fladgates
Ms. R. Emblin F404
Mr. Mathews (Managing agent for F519)**

Date of directions : **11 May 2016**

**DIRECTIONS ON AN APPLICATION UNDER SECTION 27A OF THE
LANDLORD AND TENANT ACT 1985**

Further Case Management Conference:

1. A further case management conference of this application shall take place at **10.00 am on 4 October 2016** at which further directions for the hearing of this matter will be agreed.

Background:

2. The applicant seeks a determination of the tribunal in relation to a 10-year plan (“the plan”) for service charge expenditure and in relation to various works of maintenance, repairs and improvements to the building from the period 2016 – 2025 inclusive. It is understood that the current estimated cost of the plan is £8.5M exclusive of fees.

3. A case management conference was held on 10 May 2016 at which those people noted on the front of these Directions attended. Mr. Unsdorfer of Parkgate Aspen gave his apologies.
4. It is noted by the tribunal that this application relates to 399 residential leasehold properties, 320 parking spaces and 20,000M2 of commercial space.
5. It is important for all parties who wish to participate to be able to do so, either individually, or preferably, through representation. The tribunal wishes to ensure that the balance of the respondents' right to reply can be properly balance by the need of the applicant to supply documents. The following directions were agreed by the parties present.

Directions

1. The following directions shall apply in relation to the filing and service of any documents in the course of these proceedings:
 - a) Unless there is a particular need to do so, the parties should not at this stage send to the tribunal or copy it in on documents or correspondence (whether in hard copy or by email) which they send to each other in the course of these proceedings. If there is a particular need for documents or correspondence to be sent or copied to the tribunal, the reason should be briefly identified in the covering correspondence. The tribunal will consider making directions for the preparations of hearing bundles to be lodged with it when the matter becomes ready for determination.
 - b) Where the landlord is to send any document to the tenants, it shall do so by sending a letter to the tenants notifying them that the document has been made available on its website at a specified address and by indicating that any tenant who wishes to receive a hard copy of the document may notify the landlord of such a request (with confirmation of their address) within two weeks of the sending of the landlord's letter. If the landlord receives a request for a hard copy of the document, it shall be sent to the tenant within the period of a further week following the expiry of the above mentioned two-week period.
 - c) For tenants who have previously indicated that they are content to receive documents by email, the landlord may send any such notifying letters to them by email, and the tenants may send any letters requesting hard copy documents by email to the landlord.
 - d) For tenants who have previously confirmed that they have appointed a representative in these proceedings, the landlord may send a notifying letter by email to the representative (and where a single representative has been appointed for more than one tenant, a single such letter may

be sent to the representative for the benefit of all of the tenants whom they represent) and the representative may send any letter requesting the hard copy document by email to the landlord.

2. By **24 June 2016**, the landlord shall send to the tenants:
 - a) its Report on the proposed 10 Year Major Works Programme (with any supporting documents then available which it wishes to rely on).
 - b) a Summary of Costings in tabular form, with each item numbered in the first column.
3. By **19 August 2016**, the tenants shall send to the landlord notification of which of the numbered items in the landlord's Summary of Costings they take issue with.
4. By **2 September 2016**, the landlord shall prepare and send to the tenants a draft Scott Schedule with those numbered items which are in issue and with a column or columns for the tenants' comments and the landlord's response in due course.
5. By **23 September 2016**, the tenants shall send to the landlord the Scott Schedule with their column(s) completed so as to set out their grounds for taking issue with each item and their proposed figure for the amount in issue, if different to the landlord's.
6. The tribunal will then consider the further directions which should be made at a case management conference to be held on 4 October 2016 at 10 am at 10 Alfred Place, London, WC1E 7LR.

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.

If the applicant fails to comply with these directions its case may be struck out.

If the respondent fails to comply with these directions the tribunal may bar it from taking any further part in these proceedings and may determine all issues against it.

Non-compliance could also result in the tribunal making a costs order against the defaulting party, pursuant to rule 13 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber).

Tribunal: Ms. A. Hamilton-Farey

Date: 11 May 2016.