



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

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Your ref: SLF128074\0009\13396202V1\EG1
Our ref: LON/00AW/LSC/2016/0115

Date: 05 October 2016

06 OCT 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, the Tribunal has issued the enclosed Directions. They concern the preparation of the parties' cases for the full hearing before the Tribunal. A copy of the document is being sent to all other parties to the proceedings.

I would draw your attention to the hearing details contained within the Directions. A hearing fee of £200 is payable and must be paid in full within 14 days of the date of this letter. I should be grateful if you would send a cheque or postal order payable to HMCTS to this address together with enclosed reply slip. **If the fee remains unpaid for a period of 14 days after the due date the application may be treated as withdrawn and the hearing cancelled.**

Yours faithfully

**Mrs Cheryl Reid
Case Officer**

Reply To: Mrs Cheryl Reid

London Residential Property First-tier Tribunal 10 Alfred Place, London, WC1E 7LR

Ref: LON/00AW/LSC/2016/0115

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

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

Hearing Date: 6th and 7th March at 10am

I enclose a cheque/postal order made payable to **HMCTS** for £..... in respect of the above hearing.

Signed:

Print Name:

Date:



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

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

Property : **Pointwest Building, 116 Cromwell Road, London SW7 4XA**

Applicant : **Pointwest GR Limited**

Representative : **Mr Gunaratna of Counsel instructed by Fladgate LLP**

Respondents : **The lessees listed in the schedule to the application**

Representative : **In part represented by Messrs Parkgate Aspen**

Type of application : **Liability to pay service charges**

Tribunal member : **Judge N Hawkes**

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

Date of directions : **4th October 2016**

FURTHER DIRECTIONS

Full hearing (time/date): *10 am on 6th and 7th March 2017*

Inspection (time/date): *To be arranged by the tribunal at the hearing, if required*

Background

- (1) Directions have previously been given in this matter on 14th March 2016 and on 11th May 2016.
- (2) The applicant landlord seeks determinations under section 27A of the Landlord and Tenant Act 1985 in relation to proposed service charge expenditure for a 10 Year Major Works Programme at the property, which the landlord proposes to undertake between 2016 and 2025.
- (3) The applicant confirmed to the tribunal that, further to the directions given by the tribunal on 11 May 2016, it provided a copy of its Report on the 10 Year Major Works Programme dated 22 June 2016, together with its Summary of Costings to the tenants.
- (4) The tribunal was informed that the issues raised by the tenants in relation to the proposed items of expenditure are exclusively as follows:
 - 1) Item 24 of the Summary of Costings: Glazing Repairs and Replacements (W, S, Tower, E, N and Light well) of £600,000, but only in so far as they relate to works to the curtain walling – the tenants raising a point of principle as to the recoverability of any such costs relating to the curtain walling, rather than one in respect of the quantum of the works to other parts.
 - 2) Item 27 of the Summary of Costings: External Elevation Repairs (W, S, Tower, E, N and Light well) of £750,000, but as above, only in so far as they relate to works to the curtain walling.
 - 3) Administrative Fees, which were not originally part of the landlord's application and had not previously been estimated or detailed.
 - 4) Professional Fees, which as above, had not previously been estimated or detailed.
- (5) The Scott Schedule served by the tenants sets out the only points in issue in the case in further detail.
- (6) A further oral case management hearing took place on 4 October 2016 at which the landlord was represented Mr Gunaratna of Counsel and Ms Finch of Fladgate LLP. The tenants did not attend the hearing and were not represented at the hearing.

- (7) The landlord agreed that the administrative fees and the professional fees will be included in the matters to be determined by the tribunal.

FURTHER DIRECTIONS

1. By **1 November 2016**, the landlord shall prepare and send the tenants its comments in response on the Scott Schedule, together with a summary of its position on the estimate of administrative fees and professional fees (whether in an amount or percentage) for the 10 Year Major Works Programme.
2. By **29 November 2016**, the tenants shall send to the landlord the Scott Schedule with particulars of any challenge to the landlord's estimate of its administrative and professional fees.
3. By **16 December 2016**, the parties shall exchange copy witness statements of fact upon which they intend to rely. The 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.
4. The parties shall have permission, if so advised, to adduce expert evidence from (i) a building surveyor and (ii) an expert dealing with the industry norm for the costs of professional fees in administering building projects. Such reports shall be served by **10 January 2017**. Permission is granted to apply to the tribunal for further directions for expert evidence to be adduced, including if it appears to a party to be necessary to rely on the report of a specialist curtain walling expert.
5. The landlord shall be responsible for preparing the bundle(s) of relevant documents (in a file, with index and page numbers) and shall by **24 January 2017** send four copies to the tribunal and send to the tenants in the manner previously agreed in directions dated 3 March and 11 May 2016. If the parties are unable to agree a single bundle, then the landlord shall send **two copies** of their bundle to Parkgate Aspen with **four copies** to the tribunal by **24 January 2017**. The tenants shall provide the landlord by email a copy of any additional documents by **24 January 2017** which the landlord shall then upload to the tenant's website by **31 January 2017**.
6. In view of the potential legal arguments which the tenants have briefly referred to in their Scott Schedule, the tenants shall by **3 February 2017** send the landlord a skeleton argument, to which the landlord shall reply by **15 February 2017**.
7. The hearing shall commence on **6th March 2017** at Alfred Place, London WC1E 7LR and starting at 10 am. The hearing is estimated to last two days. The hearing should end in time for the tribunal to deliberate on its decision. If either party considers this is an unrealistic estimate, they should write to the tribunal explaining why, as soon as possible and, in any event, at least two weeks prior to the hearing date.

8. Any application pursuant to section 20C of the Landlord and Tenant Act 1985 will be dealt with at the hearing and the parties may wish to make written representations on this in their skeleton arguments and/or orally at the end of the hearing.
9. The tribunal does not consider an inspection will be needed but if one becomes necessary the tribunal will arrange a time to inspect the property with the parties during the hearing.

Name: Judge N Hawkes

Date: 4th October 2016

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 the 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 the 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.**