



HM Courts
& Tribunals
Service

OCTRAL No. 201702/001M
Property Chamber
London Residential Property
First-tier Tribunal

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Your ref: SLF\28074\0009\13396202V1\EG1

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

Date: 22 February 2017

Mr Sol Unsdorfer
Parkgate Aspen
Wilberforce House
Station Road
London
NW4 4QE

Mr Roy Martins
BY EMAIL ONLY

Dear Sirs

RE: LANDLORD & TENANT ACT 1985 - SECTION 27A(1)

PREMISES: POINTWEST BUILDING, 116 CROMWELL ROAD, SW7 4XA

Following recent correspondence the Tribunal has issued the attached further directions.

Yours faithfully
Mrs Elaine Hebden
Casework Manager



**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 Ltd**

Representative : **Fladgate LLP**

Respondents : **Leaseholders as per application schedule**

Representatives : **Parkgate Aspen – some leaseholders
Mr Roy Martins – some leaseholders**

Type of application : **Application for a postponement**

Tribunal : **Judge Barran**

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

Date of decision : **22 February 2017**

DECISION REFUSING POSTPONEMENT/DIRECTIONS

1. By recent emails some ten Respondents request a postponement of the listed final hearing on 6 & 7 March 2017. They state that they were only recently aware of the application and the Direction of the tribunal.
2. The emails are all in similar form. In summary these respondents wish to have a postponement to enable them *to engage advisors, inspect and respond to the landlord's application, to require the landlord to incorporate any new objections into a revised Scott Schedule distributed to all leaseholders appropriate (sic) and for all residents who wish to participate in the hearing to have a skeleton on any legal*

arguments concerning jurisdiction, general matters arising out of the Scott Schedule.

3. The Applicant opposes the request.
4. 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 refuse the application for the following reasons:
 - (1) The application was received on 4 March 2016. Preliminary Directions were issued by the Tribunal on 14 March 2016. They included that the landlord should notify parties, including by electronic means and on the notice board at the property and inviting any party to a case management conference. This took place on 11 May 2016 (a postponed date to suit Parkgate Aspen, the representative for many respondents) and directions were issued giving further opportunity for respondents to make their views known (including via a Scott Schedule).
 - (2) A second case management conference was held on 4 October 2016 at which the hearing of this matter was listed for 6 March to continue as necessary on the following day.
 - (3) A great deal of correspondence has been sent or copied to the tribunal and I note that Parkgate Aspen have made amendments on the respondents further submissions on the Scott schedule (18 January 2017).
 - (4) The request has been made only shortly before the hearing.
 - (5) The request has been made by a small number of respondents out of the 399 residential units in the property.
 - (6) I am persuaded by the Applicants argument as set out in the witness statement of Thekla Rebecca Fellas of Fladgate LLP dated 21 February 2017 attached to this decision.
 - (7) In particular I accept that all respondents were made aware of the application at by letter or email dated 30 March 2016 and of subsequent stages of the proceedings. They have had opportunity to respond to the proceedings and this includes appointing a representative (which some if not all have done).
 - (8) The tribunal has been notified by counsel that he will be representing some respondents.
 - (9) 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.
 - (10) I make some additional Directions to ensure respondents have a fair hearing.

DIRECTIONS

1. **Respondents** By **noon 27 February 2017** Mr Sol Underfer of Parkgate Aspen and Mr Roy Martins, (chairman of Point West Leaseholders Association since 23 January 2017) shall immediately cooperate with each other and confirm (a) who they represent and (b) discuss the outstanding issues. They shall by noon **28 February 2017** send each other and to the Applicant a list of leaseholders who they represent and a list of outstanding issues with any further comments/skeleton argument on the Scott Schedule. (The date in Direction 6 is therefore extended)
2. The **Applicant** shall include these lists/comments and the witness statements of Mr Derek Ronald Nicolson dated 20 January and of Thekla Rebecca Fellas of Fladgate LLP dated 21 February 2017 in the bundles. They shall also have the opportunity to revise/exchange any skeleton argument and the date for this in Direction 6 is extended to **noon 3 March 2017**. The Applicant shall ensure that the Tribunal and the two named representative for respondents have full copies of bundles for use at the hearing and the dates in Direction 5 may be extended as necessary.
3. The hearing will be in public. So that the tribunal can arrange a suitable room, **by noon 28 February 2017** all parties (and representatives) shall confirm to the Tribunal (cc to other parties) **if they are attending the hearing**. This may be done by email to rplondon@hmcts.gsi.gov.uk FAO: Elaine Hebden.
4. These Directions are sent to the Applicant and to the two named representatives. The Applicant shall forthwith place them on the notice board at the building and on their website and the two representatives for the respondents shall forward them on to those they represent as they consider appropriate.

Name: *V Barran*

Date: 22 February 2017