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

**Case Reference** : **MAN/00BZ/LVT/2013/0001**

**Property** : **Various @ Heald Farm Court, Sturgess Street, Newton-le-Willows, Merseyside WA12 9HP**

**Applicant** : **Helena Partnerships Limited**

**Respondents** : **As listed on the Continuation Sheet attached to the Application**

**Type of Application** : **Section 37 Landlord & Tenant Act 1987**

**Tribunal Members** : **Mrs.C.Wood  
Mrs.A.E.Franks**

**Date of Decision** : **1 February 2014**

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**DECISION**

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## **Decision and Order**

- 1.1 In accordance with section 37(3) of the Landlord and Tenant Act 1987, ("the 1987 Act"), the Tribunal is satisfied that the variations to the leases the subject of the application dated 29 January 2013 ("the Application"), namely, the Guaranteed Buy Back Non Assignable Lease (Outright Sale) ("Lease A"), the Guaranteed Buy Back Non Assignable Lease (Shared Ownership) ("Lease B"), and the Non Guaranteed Buy Back Lease (Shared Ownership) ("Lease C"), (together "the Leases"), cannot be satisfactorily achieved unless all the Leases are varied to the same effect;
- 1.2 Leases A,B and C are therefore varied in accordance with the amendments set out in the Schedules attached to this Order;
- 1.3 In accordance with s37(9) of the 1987 Act, the Tribunal directs that a memorandum of the variation be endorsed on each of the original Leases, and that the Applicant pay any costs associated with effecting such endorsement.

## **Application**

2. Pursuant to the Application, the Applicant sought an order under section 37 of the 1987 Act to vary the Leases in the terms set out in the Application.

## **Background**

3. Following a Pre-Trial Review on 15 April 2013, Directions were issued on the same date.
4. In accordance with Direction 1, by letter dated 22 April 2013, the Applicant confirmed to the Tribunal that it did not wish to make the variations to clauses 6 and 7.3 of the Leases as set out in the Application but did wish to proceed with the other variations.
5. None of the parties requested a hearing and the matter was scheduled for determination on the papers submitted on Wednesday 19 June 2013.
6. By letter dated 20 June 2013, the Tribunal advised the parties that it was minded to make the order as requested but required certain further information/clarification from the Applicant as detailed in that letter and in subsequent correspondence between the Applicant and the Tribunal over the succeeding months. In particular, the Tribunal sought confirmation of compliance with the conditions set out in section 37(5) (a) or (b) as applicable to the Leases. Such confirmation was finally received from the Applicant by letter dated 11 December 2013.

## **Conclusions**

7. In making its decision, the Tribunal is satisfied as follows:
  - 7.1 that the variations sought to the Leases cannot be satisfactorily achieved unless all of the Leases are varied to the same effect; and,
  - 7.2 that the statutory requirements regarding consent set out in sections 37(5)(a) and (b) have been satisfied.

## LIST OF LEASEHOLDERS

<b>Name</b>	<b>Property</b>
Brian and Josephine Thompson	4 Heald Farm Court
Dorothy Paine	5 Heald Farm Court
Ethel Burke	6 Heald Farm Court
Edna May Barker	8 Heald Farm Court
Margaret Edwards	9 Heald Farm Court
Roy Barr	12 Heald Farm Court
Sylvia Joan Maxwell	14 Heald Farm Court
Eric Spencer Williams	21 Heald Farm Court
Roy Sarbutts	26 Heald Farm Court
Timothy Brennan	27 Heald Farm Court
Yolanda Ellison	28 Heald Farm Court
Patricia Shaw	32 Heald Farm Court
Les Starling	33 Heald Farm Court
Kenneth Crick	35 Heald Farm Court
Ruth Mills	38 Heald Farm Court
Marjorie Waring	39 Heald Farm Court
Maureen Drinkwater	45 Heald Farm Court
Evelyn Guest	46 Heald Farm Court
Eric and Winifred Statter	47 Heald Farm Court
Catherine Richards	49 Heald Farm Court
John and Susan Croft	50 Heald Farm Court
Carl and Susan Monks	53 Heald Farm Court
Michael and Vivienne Brennan	58 Heald Farm Court
Barbara Jone	62 Heald Farm Court
Margaret Kirkby	64 Heald Farm Court
Teresa Forshaw	68 Heald Farm Court
John Vincent and Valerie Horrop	70 Heald Farm Court
Derek and Eileen Snow	71 Heald Farm Court
Monica Greenall	75 Heald Farm Court
Brenda Scorer	77 Heald Farm Court
Hilda May With	78 Heald Farm Court
Marie Agnes Tracey	79 Heald Farm Court
Raymond and Martha Rigby	81 Heald Farm Court
Sylvia Wright	82 Heald Farm Court
Ronald Doyle and Harold Brown	84 Heald Farm Court
Amy Glover	85 Heald Farm Court
Audrey Larner	87 Heald Farm Court
Jacqueline Alleston	31 Meadow Close
Leon McGuire	32 Meadow Close
Lewis and Susan Chadwick	33 Meadow Close