



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

Case reference : **LON/00BK/LBC/2021/0024**

Property : **Flat 35, Albion Gate, Hyde Park
Place, London W2 2LF**

Applicant : **Albion Gate Management Limited**

Representative : **Colman Coyle Limited**

Respondent : **Constantinos Papadopoulos, Maria
Papadopoulos, Alexandros
Papadopoulos & Philippos
Papadopoulos**

Representative : **Phillip Ross Solicitors**

Type of application : **Determination of an alleged breach
of covenant**

Tribunal member(s) : **Judge N Carr**

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

Date of Decision : **22 July 2021**

DECISION AND REASONS

DECISION

(i) I find that the Respondents are in breach of the following clauses of the Lease dated 5 May 1998 ('the Lease') in respect of Flat 35, Albion Gate, Hyde Park Place, London W2 2LF ('the Flat')

2.8

2.11

2.24

2.26

2.27 (and paragraphs 3, 4 and 11 of the Fourth Schedule)

2.3

(ii) I further find that the Respondents are in breach of the following clauses of the existing Lease dated 5 February 1971 ('the existing Lease') of the Flat:

- 2 (K)
- 2 (W)
- 2 (Y)
- 2 (Z) (and paragraphs 3, 4 and 12 of the Fourth Schedule)
- 2 (C)

(iii) So far as the Respondents are bound by them by the Lease or existing Lease, I further find that the Respondents are in breach of the following clauses of the head lease of the Building known as 1-56 Albion Gate, Bayswater Road and the sites of 46/47 Albion Street and 9 and 9A Albion Mews, dated 1 May 1998 ('the Headlease'):

Paragraphs 14 (a) and (f) and 15 of the Fifth Schedule

REASONS

- (1) The Applicant landlord seeks a determination, under subsection 168(4) of the Commonhold and Leasehold Reform Act 2002 ("the Act"), that the Respondent tenant is in breach of various covenants contained in the lease. In particular, the Applicant asserts that the Respondent has breached the several lease covenants more particularly set out in section 5 of the application form as supplemented by section 13 of the application form.
- (2) On 16 July 2021 the Respondent's representative wrote to the Tribunal in the following terms:

We have now been instructed by our client to concede the Applicant's Application for a determination in respect of the various breaches.

Accordingly we would ask that the Tribunal produce a decision to that effect.
- (3) On 21 July the Applicant's representative also invited the Tribunal to make such a determination.
- (4) I therefore determine that the Respondent is in breach of covenant, on the facts as set out and for the reasons stated in the Application Notice received by the Tribunal on 29 March 2021, a copy of which should be appended to this decision (in particular, sections 5 and 13) in reliance on this determination in any enforcement proceedings.

Name: Judge N Carr

Date: 22 July 2021

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.

The application for permission to appeal must arrive at the regional office within 28 days after the tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).