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LON/00AJ/LBC/2007/0026

THE RESIDENTIAL PROPERTY TRIBUNAL SERVICE

**DECISION OF THE LONDON LEASEHOLD VALUATION
TRIBUNAL ON AN APPLICATION UNDER SECTION 168(4) OF
THE COMMONHOLD AND LEASEHOLD REFORM ACT 2002**

**Property: 8 Eggardon Court, Lancaster Road, Northolt,
Middlesex UB5 4TJ**

Applicant: Catalyst Communities Housing Association (landlord)

Respondent: Mr Roger Loderick (tenant)

**Determination without an oral hearing in accordance with the
procedure set out in regulation 13 of the
Leasehold Valuation Tribunals (Procedure)
England) Regulations 2003**

**Tribunal: Lady Wilson
Mr M Cairns MCIEH
Mr E Goss**

Date of the tribunal's decision: 3 July 2007

1. This is an application by the landlord, Catalyst Communities Housing Association, under section 168(4) of the Commonhold and Leasehold Reform Act 2002 ("the Act") for a determination that a breach of a covenant or condition in the respondent tenant's lease has occurred.

2. Mr Loderick, the tenant, holds a long lease of 8 Eggardon Court from the landlord. Clause 4(1) of the lease provides that the leaseholder and the persons deriving title under the leaseholder will at all times observe the covenants set out in the second schedule, paragraph 10 of which provides that the tenant is "Not to do or permit to or suffer to be done in the [flat] or in the [block] anything from which a nuisance or annoyance could or might arise to the lessees the tenants of the Landlord and occupiers of any other flats on [sic] the [block] or of any other property in the neighbourhood or use the [flat] or any part thereof for any illegal or immoral purpose."

3. According to a statement from Mr Jonathan Scott, the landlord's Neighbourhood Manager, there has for some months been continuing nuisance from occupants of the tenant's flat. It appears that Mr Loderick is not living in the flat and that his eighteen year old son is living there alone and that he or his friends have been causing noise and other nuisance which has affected neighbours and has required intervention from the police and environmental health authorities on a number of occasions. On 13 April 2007 HH Judge Oppenheimer granted the landlord an injunction against the tenant forbidding him, by himself or others, from permitting allowing or suffering any other person from causing a nuisance or annoyance to other residents of or visitors to Eggardon Court or from causing damage to the building. A diary of events produced by the landlord since the injunction was made shows that the nuisance and annoyance to neighbours is continuing.

4. By pre-determination directions the tenant was required by 4 June 2007 to serve a statement and any relevant documents on the landlord and to lodge them with the tribunal. He has not done so and, according to a letter from Mr Scott to the tribunal dated 29 May 2007, the tenant's son has informed him that he has not seen his father since December 2006.

5. In the circumstances we are satisfied that the tenant is in breach of Clause 4(1) of and paragraph 10 of the second schedule to his lease. Accordingly a notice under section 146(1) of the law of Property Act 1925 may be served after the end of 14 days beginning with the day after that on which this determination becomes final in accordance with section 169(2) and (3) of the Act.

CHAIRMAN.....

DATE: 3 July 2007

**Tribunal: Lady Wilson
Mr M Cairns MCIEH
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