

10336



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

**Case Reference** : LON/00AC/LVL/2014/0008

**Property** : 35 Totteridge Lane, London N20  
OHD

**Applicant** : Mrs Cathleen James

**Representative** : Michael Maunder Taylor

**Respondent** : Mr Ben & Ms Dana Scheiner (Flat  
A)

**Interested Persons** : (1) Mr Jon & Mrs Katarina  
Skapoullis (Flat B)  
(2) Ms Rachael James (Flat C)

**Representative** : N/A

**Type of Application** : Variation of a lease

**Tribunal Members** : Judge Tagliavini  
Mr L Jarero, BSC FRICS

**Date and venue of PTR** : 10 Alfred Place, London WC1E 7LR

**Date of Decision** : 16 September 2014

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**DECISION**

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1. This an application pursuant to sections 38(8) to vary the terms of a lease to which the applicant and the respondents are parties, in accordance with the provisions of section 35 of the Landlord and Tenant Act 1987.
2. The tribunal determines that it appropriate to vary the respondents' lease in accordance with the variations sought by the applicant and as recorded in the Draft attached to the application.

### **Background**

3. The respondents are the lessees of a ground floor flat in a building converted into three flats. As of 1 February 2014 the leases of the other two properties (Flats B and C) had agreed to a variation of their respective leases, which have been registered at HM Land Registry.

### **Hearing**

4. In accordance with the tribunal's directions dated 11 July 2014 the applicant provided the tribunal with a bundle of documents for the (paper) determination. This bundle included email exchanges between the parties' representatives but no substantive objection to the variations sought or request for an oral hearing.

### **Reasons for the tribunal's decision**

5. In light of the variations agreed and made in respect of the other two leases, the apparent agreement of the respondent in this application and the applicant's submissions in support of the application, the tribunal is persuaded that the provisions of section 35(2)(d) and (e) are made out and that it is appropriate to do so.
6. The tribunal therefore makes the Order attached.

### **Costs**

7. The tribunal is not satisfied from the information and evidence provided that it appropriate or reasonable to make any order for costs pursuant to regulation 13 of The Tribunal (First-tier Tribunal) (Property Chamber) Rules 2013.

Signed: Judge Tagliavini

Dated: 16 September 2014



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**ORDER**

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1. Upon considering the Applicant's application dated 8 July 2014

IT IS ORDERED that the Respondent's lease be varied in such a way as to provide for the recoverability of service charges, the collection of a reserve fund and the maintenance of the garden and car park areas as set out in the Draft Variation attached to the application.

2. A Deed of Variation is to be entered into by the parties within 28 days of the date of this Order and thereafter to be registered at the HM Land Registry.

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