



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

**Case reference** : LON/00BK/LBC/2014/0025

**Property** : Flat 64, Ashley Gardens, London  
SW1P 1QG.

**Applicant** : Ashley Gardens Freehold Limited

**Representative** : William Sturgess LLP

**Respondent** : Mrs. L. M. Landor

**Representative** : In person

**Type of application** : Landlord's application under  
S.168(4) Commonhold & Leasehold  
Reform Act 2002 that a breach of  
covenant has occurred.

**Tribunal members** : Aileen Hamilton-Farey

**Date of decision** : 30 June 2015

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**DECISION**

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**Decision of the tribunal**

- (1) The tribunal determines on the basis of the respondent's admissions document attached, that the respondent was in breach of her lease as per the application in that she has used her flat for bed and breakfast purposes, and also used it other than as a private residence in single occupation.

- (2) The tribunal is aware that this is not the first application under S.168(4) brought by the applicants in this matter. By an application dated 19 April 2010, the applicants sought a similar declaration. In a decision of 5 August 2010, the tribunal found that the respondent was in breach of her lease, having used or permitted the demised premises to be used for a purpose other than a private flat in one occupation. Following the service of a S.146 Notice, the proceedings for possession were compromised in a Tomlin Order dated 18 February 2011.
- (3) The tribunal considers therefore that the respondent is in breach of that Order that required her to 'cease using, causing or permitting the premises to be used for any purpose whatsoever other than as a private flat in one occupation only'.
- (4) On the basis of this evidence the landlord's application therefore succeeds.

**Name:** Aileen Hamilton-Farey      **Date:** 30 June 2015