



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

**Case Reference** : **MAN/OOBW/LBC/2014/0020**

**Property** : **11 Eastwood Grove, Leigh, Lancs WN7 4SZ**

**Applicant** : **G & O Rents Limited**

**Applicant's Representative:** **GSL Administration**

**Respondents** : **Mr John Warburton & Mrs Maureen Warburton**

**Type of Application** : **Commonhold & Leasehold Reform Act 2002  
Section 168(4)**

**Tribunal Members** : **Laurence Bennett (Tribunal Judge)  
Jonathan Holbrook (Tribunal Judge)**

**Date of determination** : **12 September 2014**

**Date of Decision** : **12 September 2014**

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**DECISION**

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## **Summary decision**

1. The Respondent has breached covenants in respect of production of insurance policies and receipts in the Underlease relating to the Property dated 19 November 1971.

## **Application**

2. G & O Rents Limited apply for a determination under Section 168(4) of the Commonhold and Leasehold Reform Act 2002 that a breach of covenant has occurred in the Underlease dated 19 November 1971 relating to 11 Eastwood Grove, Leigh, Lancs WN7 4SZ (the Property).

## **Background**

3. The Applicant is the successor to the Lessor's interest created by the Underlease of the Property. The Respondent is the successor to the Lessee's interest.
4. The application was made on 27 June 2014.
5. Directions made 1 July 2014 by Judge Bennett included "The Tribunal considers that this matter can be determined by way of a paper determination....." The directions gave opportunity for the parties to request a hearing. Neither party made such request.
6. The Applicant's submissions include copies of the Underlease, Land Registry entries, correspondence and submissions with detail the grounds of application specifying breaches.
7. The Respondents have not responded to the application or directions.
8. The Tribunal convened on 12 September 2014 without the parties to determine the application.

## **The Underlease**

9. The Underlease of the Property dated 19 November 1971 is made between Whelmar Limited (1) Frederick Gregory and Jean Martha Gregory (2).
10. Paragraph 3(9)(a) contains the Lessee's covenant to insure in the joint names of the Lessees and Lessor and on demand to produce to the Lessor the policy and receipts for premium.

## **Law**

11. Section 168(1) of the Commonhold and Leasehold Reform Act 2002 (the Act) states: "A landlord under a long Lease of a dwelling may not serve a notice under section 146(1) of the Law of Property Act 1925 (c 20) (restriction on forfeiture) in respect of a breach by a tenant of a covenant or condition in the Lease unless subsection (2) is satisfied."

12. Section 168(2)(a) states: "This subsection is satisfied if-
- (a) it has been finally determined on an application under subsection (4) that the breach has occurred,
  - (b) the tenant has admitted the breach

13. Section 168(4)(a) states: "A landlord under a long Lease of a dwelling may make an application to the First-Tier Tribunal for a determination that a breach of a covenant or condition in the Lease has occurred."

### **Evidence and submissions**

14. The Applicant stated in the application that: "The Respondents have failed to provide copies of the policy or policies of insurance and copies of receipts for payment thereof, in spite of requests from the Applicant."

15. The Applicant has provided correspondence showing a request addressed to the Respondents dated 15 January 2014.

### **Tribunal's conclusions with reasons**

Our conclusions are:

16. We note that the covenants specified by the Applicant. The Respondents have not provided an explanation or details which show compliance with the covenants.

17. Noting the copy correspondence we find that the relevant demands were made in January 2014 and have not been satisfied. We conclude that the Respondents have been in breach of the recited covenants since that time.

### **Order**

18. The Respondents have breached covenants in respect of production of insurance policies and receipts in the Underlease relating to the Property dated 19 November 1971.

**L J Bennett**  
**Tribunal Judge**  
**12 September 2014**