

662



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

Case reference : **LON/00AJ/LBC/2015/0022**

Property : **Flat 1 Priory Lodge 64-66 Castlebar
Road Ealing London W5**

Applicant : **Giovanni Cataldo and Julie Cataldo**

Representative : **Mr Jeff Hardman of Counsel**

Respondent : **Cecil Patrick Charles Conn and
June Antoinette Conn**

Representative : **Mr Jai Sharda, Solicitor**

Type of application : **Application for an order that a
breach of covenant or a condition
in a lease has occurred pursuant to
Section 168(4) of the Commonhold
and Leasehold Reform Act 2002**

Tribunal member(s) : **Prof Robert M. Abbey
Lady Davies FRICS**

**Date and venue of
hearing** : **14 May 2015 at 10 Alfred Place,
London WC1E 7LR**

Date of decision : **14 May 2015**

DECISION

Decisions of the tribunal

- (1) This is a dispute about an alleged unlawful alteration, (the insertion of a new window), (the alteration), at the subject property that may have given rise to two breaches of lease covenants. First, that the alteration was without the landlord's written permission and secondly that the alteration needed planning permission and none had been obtained.
- (2) The tribunal notes and confirms that the parties have reached a settlement of this dispute upon the following terms. These agreed terms constitute the decision of the tribunal:-
- (3) The tribunal was shown written confirmation that the London Borough of Ealing had issued a certificate of completion of work in respect of the alteration under building control ref R/2015/0059 and dated 21 January 2015. This confirmation was produced at the hearing and was seen and approved by the parties and a copy was retained by the tribunal.
- (4) The landlord grants retrospective licence permitting the alteration but conditional upon payment of the following monies and upon compliance with the terms hereinafter appearing.
- (5) That the tenant pay to the landlord a premium of £3000 for the granting of this licence
- (6) That the tenant pay to the landlord the legal costs of the landlord being those incurred in this action, in the sum of £3078.50 (inclusive of VAT)
- (7) That the tenant pay to the landlord the costs in relation to the licence for alterations in the sum of £660.00 (inclusive of VAT).
- (8) The total of the payments due from the tenant to the landlord amounts to the sum of £6738.50 and is payable as follows.
- (9) The total is to be paid in three equal monthly instalments, the first payment due on 18 May 2015, the second due on the 18 June 2015 and the third and final payment due on 20 July 2015, (the 18 July being on a Saturday). All three payments are to be made by electronic bank transfer to the landlord's Service charge account with the Nat West Bank.

Name: Judge Professor Robert M. Abbey **Date:** 14 May 2015