



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

Case reference : LON/00BB/BSG/2025/0603

Property : Navigation Court, Gallions Road,
London E16 2QL

Applicant : The Riverside Group Limited

Representative : Devonshires Solicitors LLP

Respondent : Abacus Land 4 Limited

Representative : JB Leitch Solicitors

Type of application : For a determination of the principal
accountable person under section 75 of
the Building Safety Act 2022

Tribunal : Judge Sheftel

Date of Directions : 5 June 2025

DETERMINATION

Summary of determination

The Riverside Group Limited is the principal accountable person in relation to Navigation Court, Gallions Road, London E16 2QL.

Background

1. By an application dated 6 March 2025, the Applicant seeks a determination under section 75 of the Building Safety Act 2022 (the

“BSA”) that it is the principal accountable person of Navigation Court, Gallions Road, London E16 2QL (the “Building”).

2. According to the application, the Applicant has a leasehold interest in the Building. The Respondent is the Applicant’s landlord.

The legal framework

3. Section 72(1) of the BSA provides as follows:

“(1) In this Part an “accountable person” for a higher-risk building is—

(a) a person who holds a legal estate in possession in any part of the common parts (subject to subsection (2) [*not applicable in the present case*]), or

(b) a person who does not hold a legal estate in any part of the building but who is under a relevant repairing obligation in relation to any part of the common parts.”

4. The definition of “common parts” in relation to a building is contained in subsection (6) as:

(a) the structure and exterior of the building, except so far as included in a demise of a single dwelling or of premises to be occupied for the purposes of a business, or

(b) any part of the building provided for the use, benefit and enjoyment of the residents of more than one residential unit (whether alone or with other persons).

5. Where there is more than one accountable person for a higher risk building, section 73 of the 2022 makes provision for the determination of the principal accountable person. In such cases, pursuant to section 73(1)(b), the principal accountable person will be the accountable person who holds:

(a) a legal estate in possession in the relevant parts of the structure and exterior of the building, or

(b) is within section 72(1)(b) because of a relevant repairing obligation (within the meaning of that section) in relation to the relevant parts of the structure and exterior of the building.

6. Section 73(1)(b) of the BSA is subject to section 75(2), which provides that where more than one accountable person is within section 73(1)(b), an interested person may apply to the Tribunal for a determination as to the principal accountable person for a higher-risk building. Where it appears to the Tribunal that there is more than one accountable person within section 73(1)(b), the principal accountable person “*is such one of those accountable persons as the Tribunal considers appropriate*”.

The present case

7. It is said that the Applicant is an accountable person pursuant to s.72(1)(a) of the BSA on the basis that it holds a legal estate in possession in any part of the common parts. It is also a PAP pursuant to s.73(1)(b)(i) of the BSA on the basis that it holds a legal estate in possession in the relevant parts of the structure and exterior of the Building.
8. The Applicant is registered as the PAP on the register of high-rise residential buildings.
9. However, according to paragraph 7 of the Applicant’s statement of case there was a residual uncertainty:

“Pursuant to clause 3.4.4 of the Applicant’s lease, the area hatched red on Plan D appears to be carved out of the Applicant’s responsibility – namely, that it “shall be maintained at all times by the lessor [the Respondent].” As with Plan B, Plan D is not clear, and it is not possible to determine whether the same includes any structural and/or common parts/ Therefore it is possible that the Respondent is also an AP.”
10. The statement of case goes on to say that it is not possible to determine conclusively whether this hatched red area includes the structure and/or exterior of the Building. It is therefore, in the Applicant’s view, possible that the Respondent is a PAP. However, there is no suggestion of a

positive case to this effect and the Applicant's position was that it (the Applicant) should be the PAP.

11. The tribunal wrote to the parties on 15 April 2025, listing the matter for a case management hearing and inviting the Respondent to submit a position statement. The date for this was extended by agreement and with the tribunal's approval.
12. The Respondent's Position Statement, dated 23 May 2025, stated that "*It is understood that the Respondent will be provided the opportunity to make more detailed representations, where appropriate, following the CMH listed for 4 June 2025*". However, the Position Statement went on to provide that:

"The Respondent does not contest the Application and agrees that the Applicant is the PAP in respect of the Building" (para.10).

"The Respondent therefore respectfully invites the Tribunal to make a determination to this effect" (para.11).

13. The Respondent's Position Statement also exhibited a letter from the Respondent's representative, Home Ground, dated 2 December 2024, which denied that the Respondent could be a PAP and confirmed agreement with the Applicant's position.
14. The case management hearing took place on 4 June 2025. The Applicant was represented by Ms Salmon (counsel). The Respondent did not attend. Given the Respondent's non-attendance, regard must be had to rule 34 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 (the "2013 Rules"). Rule 34 imposes a two-stage test. First, the tribunal must be satisfied that the party has been notified of the hearing or reasonable steps have been taken to notify the party. If the first limb is satisfied, the tribunal must also consider whether it is in the interests of justice to proceed with the hearing. In the present case, it is clear that the Respondent had notice of the hearing, given that reference was made to it in its Position Statement as set out above. It was

also considered that it was in the interests of justice to proceed, given that the parties were agreed on the substantive issue as set out above.

15. On the grounds that:

- (1) There is no dispute between the parties that the Applicant is an accountable person and PAP;
- (2) There is no evidence that the Respondent is a PAP - and indeed the Respondent has denied that it is a PAP;
- (3) The Applicant is already registered as the PAP of the Building;
and
- (4) The Respondent does not contest that the Applicant should be the PAP and, in its Position Statement, invited the Tribunal to make a determination to this effect,

there would appear to be no basis for issuing further directions and/or not issuing a determination at this time.

16. In the circumstances, and for the reasons set out above, **it is determined that the Applicant is the principal accountable person in relation to Navigation Court, Gallions Road, London E16 2QL.**

Name: Judge Sheftel

Date: 5 June 2025

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the Tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the Regional Office which has been dealing with the case. The application should be made on Form RP PTA available at <https://www.gov.uk/government/publications/form-rp-pta-application-for-permission-to-appeal-a-decision-to-the-upper-tribunal-lands-chamber>

The application for permission to appeal must arrive at the Regional Office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28-day time limit, such application must include a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the Tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the Tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).