



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

**Case Reference** : LON/00AN/LBC/2016/0047

**Property** : 62D Avonmore Road, London W14 8RS

**Applicant** : London Borough of Hammersmith and Fulham

**Representative** : Mr Tazafar Asghar of counsel

**Respondent** : (1) Karl Brett Tuck  
(2) Ziyi Huang

**Representative** : Mr Tuck in person

**Type of Application** : Application for an determination that a breach of covenant has occurred (Commonhold and Leasehold Reform Act 2002, s 168(4))

**Tribunal Members** : Tribunal Judge Richard Percival  
Mr D I Jagger MRICS  
Mr K Ridgeway MRICS

**Date and venue of Hearing** : 23 August 2016  
10 Alfred Place, London WC1E 7LR

**Date of Decision** : 23 August 2016

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**DECISION ON CONSENT TO WITHDRAWAL OF APPLICATION**

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1. The Applicant applied for an order under Commonhold and Leasehold Reform Act 2002, section 168(4) that the Respondent had breached a covenant in his lease.
2. On the day of the hearing, the Tribunal and the Applicant became aware of a letter from the first Respondent to the Tribunal office in which he stated:

“In response to your correspondence and the hearing scheduled for 23 August 2016 Ziyi Huang and I sought legal advice and reviewed the lease for the above property.

Until that time we were somewhat ignorant of the covenants and conditions of the lease. However we accept the points raised in the Applicant’s Grounds of Application. In response to the specific issues raised we confirm (a) that we will address the flooring issue and (b) that the premises will be used as a private dwelling house only.”

3. Mr Tuck appeared at the hearing, representing himself and Ms Huang. Before us he confirmed:
  - (i) That he had taken legal advice from a solicitor and understood the implications of admitting the breaches alleged; and
  - (ii) That he admitted each of the three breaches of covenant alleged; that is, by using the premises for the purpose of a business; by not using the premises as a dwelling-house only; and by not keeping the floors of the premises, save for the kitchen and bathroom, covered with carpets.
4. In the light of Mr Tuck’s admissions, Mr Asghar for the Respondent applied to withdraw the Applicant’s application.

**Determination**

5. Upon the Applicant applying to withdraw the application, the Tribunal consents to the withdrawal under rule 22(3) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber)

**Name:** Tribunal Judge Richard Percival      **Date:** 23 August 2016