

STATUTORY DECLARATION

In Support of an Application for a Certificate of Lawfulness of Existing Use or Development

6th Floor, Butler House, 177 – 178 Tottenham Court Road, London W1T 7NY

I, Nicholas Lazari, of 10 Welbeck Street, London W1G 9YA, do solemnly and sincerely declare as follows:

1. The facts and matters I refer to in this declaration are within my own knowledge, except where otherwise indicated. Where the facts and matters are not within my own knowledge, I identify the source of my information or belief.
2. This declaration is made in support of an application for a Certificate of Lawfulness of Existing Use in relation to the property known as 6th Floor, Butler House, 177 – 178 Tottenham Court Road, London W1T 7NY as shown edged red on the drawing 'Existing 6th Floor Plan', which is included at Exhibit NL1 (the "**Property**").
3. I have been a Director of Lazari Properties 1 Limited since its incorporation on 1 February 2016. I am also a Director of Lazari Investments Management Limited (formerly Lazari Investments Limited). I have been responsible for the asset and property management of the Property at the time of its acquisition and thereafter.
4. The freehold of the Property is owned by Lazari Properties 1 Limited. There are no leases registered to the Property. The Property is currently occupied by Vincent Kenny-Tempest and Stephen Kenny-Tempest who are using the Property as offices pursuant to a lease for a term of five years.
5. Lazari Investments Management Limited (formerly Lazari Investments Limited) acquired 177 – 178 Butler House, Tottenham Court Road, London W1T 7NY, which includes the Property in July 1996. The Property has been used for office use from when it was purchased in July 1996 up until 28 September 2018 with the exception of the period from 24 June 2002 to 28 September 2002 where the tenants changed and the Property was vacant. From 29 September 2018 to 31 May 2021, the Property was vacant with the intention that it would continue to be used as offices and was marketed for this purpose. The marketing information for the Property is included at Exhibit NL2 and can be viewed at the following website: <https://www.ldg.co.uk/property/177-tottenham-court-road-fitzrovia/>. Photos of the current office layout are included at Exhibit NL3. During this period of vacancy, the Property was re-fitted for continued office use as is evidenced by comparing the photos included at Exhibit NL3 to those included at Exhibit NL8 referred to at paragraph 12 below. From 1 June 2021, the Property has been used as offices by the current tenant, Vincent Kenny-Tempest and Stephen Kenny-Tempest.

6. When the Property was purchased the tenant of the ground floor, basement and six upper floors of Butler House, 177 – 178 Tottenham Court Road, London W1T 7NY was Flightbookers Limited. Flightbookers Limited's lease ran from 24 June 1992 to 23 June 2002 and is included at Exhibit NL4. In accordance with paragraph 11(c) of the fourth Schedule to that lease the permitted use of the Property was residential use provided that any occupancy was on a genuine service licence by a service occupier fully employed by the lessee as an essential term of his employment. Despite this I confirm that the lessee used the Property for office purposes for the duration of the coincidence of our period of ownership and the term of that lease.
7. Architect plans were prepared for Lazari Investments Limited by IDP Architecture Interior Designs in June 2001. These drawings show the layout of the office use of the Property and have been included at Exhibit NL5. These drawings are also included in the leases referred to at paragraphs 9 and 10 below. I confirm the use of the Property identified on those drawings is an accurate representation of its use at that time.
8. When Flightbookers Limited tenancy ended the Property was leased to The Outside Organisation Limited. I confirm that The Outside Organisation Limited used the Property continuously as offices from 29 September 2002 until 28 September 2018. The lease documentation relevant to this period of occupation is set out at paragraphs 9 – 10 of this Statutory Declaration.
9. A lease of the First, Second, Third, Fourth, Fifth and Sixth Floors of 177 – 178 Butler House, Tottenham Court Road, London W1T 7NY was entered into on 3 February 2003 and made between (1) Lazari Investments Limited (2) The Outside Organisation Limited and (3) The Outside Group Limited (the "**2003 Lease**"). The Outside Organisation Limited was the tenant of the 2003 Lease. The 2003 Lease had a term of 10 years which commenced on 29 September 2002 and expired on 28 September 2012. A copy of the 2003 Lease is included at Exhibit NL6. The permitted use for the Property in accordance with the 2003 Lease was residential within the meaning of Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987.
10. A further lease of the Third, Fourth, Fifth and Sixth Floors of 177 – 178 Butler House, Tottenham Court Road, London W1T 7NY was entered into on 2 January 2014 and made between (1) Lazari Investments Limited and (2) The Outside Organisation Limited (the "**2014 Lease**"). The 2014 Lease had a term of 5 years which commenced on 29 September 2013 and expired on 28 September 2018. A copy of the 2014 Lease is included at Exhibit NL7. Although there is a gap between the term of the 2003 lease expiring on 28 September 2012 and the 2014 lease commencing on 29 September 2013, I confirm that the Property was continuously occupied by The Outside Group Limited during this period. The permitted use for the Property in accordance with the 2014 Lease was residential

within the meaning of Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987.

11. Although the 2003 and 2014 Leases state that the authorised use of the Property was residential within the meaning of Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, I confirm that the Property was used as offices throughout the occupation of The Outside Organisation Limited. The architect drawings of the Property within the 2003 and 2014 Leases show that the Property was used as an office (see page 11 of the 2003 and 2014 Leases (respectively)). I confirm that the architect plans included within those leases evidence how the Property was actually used during the Outside Organisation's period of occupation.
12. Lazari Properties 1 Limited instructed a building surveyor, David Newton of JLL, to take photos of the Property for the preparation of a Schedule of Dilapidations in 2018. Six of these photos, taken in 2018, have been included at Exhibit NL8. These photos show the layout of the office use of the Property at that time.
13. A lease of the Property was entered into on 25 May 2021 and made between (1) Lazari Properties 1 Limited and (2) Vincent Kenny-Tempest and Stephen Kenny-Tempest. The lease has a term commencing on 1 June 2021 and expiring on 31 May 2026. A copy of the lease has been included at Exhibit NL9. The permitted use under the lease is use as offices within Use Class E of the Town and Country Planning (Use* Classes) Order 1987. I confirm that the Property is being used as offices by this tenant.
14. The use of the Property for office purposes is also identified on a fire certificate and accompanying plans issued by the London Fire Brigade in 1993 and provided to Lazari Investments Management Limited (formerly Lazari Investments Limited) on its acquisition of the Property, which have been included at Exhibit NL10. Whilst this fire certificate precedes the acquisition of the Property and was therefore before my knowledge of the actual use carried on at the Property, the certificate issued does identify the major use of Butler House, 177 – 178 Tottenham Court Road, London W1T 7NY as office use and the approved plans accompanying the fire certificate for the Property identify its use at that time as a staff training room and staff room in connection with the office use carried on at the other floors of Butler House.
15. I am aware that Council Tax, rather than Business Rates, has been paid in relation to the Property. The payment of rates was the tenant's responsibility during the period of the property being occupied and therefore neither I or Lazari Properties 1 Limited had any involvement in the payment of rates during periods of occupancy. While the Property was vacant between 29 September 2018 to 31 May 2021, I am aware that Council Tax was continued to be paid in relation to the Property pursuant to invoices received. I acknowledge that it may be necessary for Lazari Properties 1 Limited to pay the difference

between the amount of Council Tax and the amount of Business Rates that would have been payable while the Property was vacant, and subject to the amount payable being resolved I confirm Lazari Properties 1 Limited will seek to pay any amount properly owed.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

Signature of Declarant: Nikola Lazari

Declared at this 10th day of June

2021

Queen's House
180, Tottenham Court Road
London W1T 7PD.

Before me:

Signature: Loe P. P. P. P. P.

Loe P. P. P. P. P.

Qualification: Solicitor / Commissioner for Oaths