

THE RESIDENTIAL PROPERTY TRIBUNAL SERVICE**DECISION OF THE MIDLAND LEASEHOLD VALUATION TRIBUNAL
ON ITS JURISDICTION TO DETERMINE AN APPLICATION UNDER S48 OF THE
LEASEHOLD REFORM, HOUSING AND URBAN DEVELOPMENT ACT 1993**

Property: 64 Lazy Hill, King's Norton, Birmingham, West Midlands B38 9PA

Applicant: Mrs Valerie Rose King (tenant)

Respondent: Bajaj Properties Limited (landlord)

**Determination without a hearing under regulation 13 of the
Leasehold Valuation Tribunals (Procedure) (England) Regulations 2003**

Members of the leasehold valuation tribunal:

Lady Wilson
Mr D Satchwell FRICS
Mrs N Jukes

Date of the tribunal's decision: 12 June 2006

1. This is an application under section 48 of the Leasehold Reform, Housing and Urban Development Act 1993 ("the Act") for a determination of the price to be paid for a new lease of 64 Lazy Hill, King's Norton, Birmingham. The tenant's notice of claim was dated 7 June 2005 and the landlord's counter-notice was dated 3 August 2005. The tenant's application under section 48 of the Act, which purported to be dated 1 February 2006, was received by the tribunal on 27 February 2006, following a letter from the tenant's representative, Mr E J Rutledge FRICS, dated 23 February 2006, in which he said that he had not heard from the tribunal following his application of 1 February 2006. The tribunal has no record of having received an earlier application.

2. The tribunal directed that the tenant should, on or before 5 April 2006, set out the grounds upon which it was asserted that the application was valid. By a letter dated 3 April 2006 the tenant's representative asked for an extension of time to file his representations on the tenants's behalf, and he was granted an extension until 26 April 2006. As of 12 June 2006, the date of this decision, no representations on the question of the validity of the tenant's application have been submitted on the tenant's behalf. The landlord's representative has asked us to adjudicate on whether the application was made in time and, if not, to strike it out.

3. An application under section 48 of the Act is, by section 48(2), required to be made not later than six months after the date of the landlord's counter-notice. Thus the application in the present case should have been made, at the latest, by 3 February 2006. We have received no evidence that the application was made in good time other than Mr Rutledge's assertion, unsupported by proof of posting, that an application was made on 1 February. In fact, it is generally wise, when an application is made close to the end of the six months dead-line, to hand deliver it or, at least, to confirm in good time that it has been received. We are afraid that we are not satisfied on the evidence put before us that the application was made in good time and accordingly we determine that we do not have jurisdiction to determine it.

CHAIRMAN.....

DATE.....