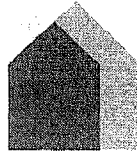


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Residential
Property
TRIBUNAL SERVICE

RESIDENTIAL PROPERTY TRIBUNAL SERVICE
LEASEHOLD VALUATION TRIBUNAL
LANDLORD AND TENANT ACT 1985 – SECTIONS 27A & 20C

LON/OOAG/LSC/2010/0107

Premises: Flat 2, 46-48 Englands Lane, London NW3 4UE

Applicant: Ground Rent Trading Limited

Represented by: No appearance

Respondents: Mr. JM Patel, Mr. YM Patel & Mr. BC Patel

Represented by: Mr. A Dymond of counsel, instructed by Hugh Cartwright & Amin solicitors

Tribunal: Ms. LM Tagliavini, LL.M, DipLaw, BA Hons, Barrister
Mr. T. N Johnson, FRICS

1. This is an application made by the Respondents pursuant to regulation 11 of the Leasehold Valuation Tribunals (Procedure) (England) Regulations 2003, seeking the dismissal of the application made dated 28 January 2010.
2. An oral pre-trial review was held on 16 March 2010 at which the Applicant failed to appear and Mr. Sandham of counsel represented the Respondents. Since the application was made, the Tribunal

has received no communication from or on behalf of the Applicant. Consequently, the Respondent has made an application to dismiss the Applicant's application on the grounds that the failure to comply with the directions, or have any further dealings with Tribunal is an abuse of process.

3. At the hearing to dismiss the Applicant's application, it was said by Mr. Dymond on behalf of the Respondents, that the Applicant's continued failure to progress this matter; comply with directions or engage with the Tribunal amounted to an abuse of process.
4. The Tribunal is satisfied that the Applicant has been notified in a timely manner of this application, and has failed to respond or notify the Tribunal of its intentions. In light of the Applicant's failures to engage with the LVT on progressing its application, the Tribunal considers that in all the circumstances it is reasonable and appropriate to dismiss the Applicant's application.
5. Mr. Dymond also sought the payment by the Applicant to the Respondents of £500 costs pursuant to Para 10, Schedule 12 of the Commonhold and Leasehold Reform Act 2002. The Tribunal is satisfied that the Respondents have reasonably incurred costs exceeding that maximum amount permitted by statute. Further, the Tribunal is satisfied that it is appropriate to direct that the Applicant pay to the Respondents the sum of £500 by way of costs.

Therefore the Tribunal directs that:

1. The Application dated 28 January 2010 is dismissed.
2. The Applicant is to pay to the Respondents forthwith costs in the sum of £500.


Chairman: LM Tagliavini

Dated: 14 June 2010