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**HM Courts
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Service**

Leasehold Valuation Tribunal

S.20C and S.27A Landlord & Tenant Act 1985 (the 1985 Act)
Paragraph 10 Schedule 12 Commonhold and Leasehold Reform Act 2002 (the 2002 Act)
Regulation 11, Leasehold Valuation Tribunal (Procedure) (England) Regulations 2003 (the Regulations)

DECISION TO DISMISS

Case Number: CHI/21UD/LSC/2012/0006
Applicant: Mr B Markham
Respondent: Grosvenorarch Limited
Represented by: Brickman Yale, chartered surveyors
Property: 28-31 Robertson Street
HASTINGS
East Sussex
TN34 1HT
Date of Application: 14 December 2011
Tribunal Member: Mr B H R Simms FRICS MCI Arb (Chairman)
Date of this Interim Decision: 28 May 2012

THE DECISION

1. The Tribunal gives Notice to the Applicant under the provisions of Regulation 11 that it is minded to dismiss the application under S.27A of the 1985 Act. The grounds are set out in the Reasons set out herein. The Applicant may, prior to 28 days from the publication of this Decision, request a hearing on the question of whether the application shall be dismissed, failing which the Tribunal shall dismiss the application.
2. The Tribunal makes no Order in respect of S.20C of the 1985 Act or Paragraph 10 of Schedule 12 of the 2002 Act.

THE LAW

3. Regulation 11 of the Regulations provides that, subject to the giving of a notice that it is minded to dismiss the application, the tribunal may dismiss the application in whole or in part if :
 - a) It appears to the tribunal that an application is frivolous or vexatious or otherwise an abuse of process of the tribunal; or
 - b) The respondent to an application makes a request to the tribunal to dismiss an application ...

BACKGROUND & REASONS

4. The Applicant applied to the Tribunal for a Determination of the insurance premiums payable for the years 2010 and 2011.
5. Directions were issued dated 16 January 2012 giving Notice that the case would be decided on the paper track based on written representations and documents only without an oral hearing. Notice was also given that the case may be determined by a chairman sitting alone. Neither party objected to this procedure.
6. The submissions made to it by 4 April 2012 were incomplete and, reluctantly, it issued Further Directions on that date requesting more information and documents.
7. Both parties responded as requested.
8. The lease requires a demand for the insurance premium to be sent to the lessee but the Tribunal has not been provided with demands for any years other than that addressed to Amicus Horizon Group Ltd setting out the amounts due for insurance for both the years to 24 June 2011 and 2012. The Tribunal has not seen any demand sent to the Applicant.

9. The Applicant believes that he has paid the premium for the year to June 2011 but in fact, as evidenced by the completion statement for 19 November 2010, he has in fact reimbursed Amicus for this period. He believes that the demand for insurance for the year to June 2012 should have been addressed to him rather than Amicus but he confirms that it was not.
10. Brickman Yale provide further details relating to insurance but do not deal with the matters raised by the Tribunal.
11. In view of the fact that the Applicant has not been required to pay any insurance premiums and, by his own admission, has not been sent any demands. Having given the matter due consideration the Tribunal has no jurisdiction to hear this application which it considers is unreasonable and is minded to dismiss it.

COSTS

12. The Tribunal Directed at paragraph 8 of the Further Directions that the parties may address it on all the relevant costs issues.
13. Although the Tribunal noted that Mr Markham made an application under S.20C of the 1985 Act he asserts in his recent submissions that he assumes that there would be no costs to discuss. The Respondent makes no reference to costs at all.
14. The Tribunal has no evidence to make any orders regarding any costs.

Dated 28 May 2012

[signed]

Brandon H R Simms FRICS MCI Arb
Chairman