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HM COURTS & TRIBUNALS SERVICE

LEASEHOLD VALUATION TRIBUNAL

In the matter of a Claim transferred from the County Court (Service Charges)

Case No. CHI/29UM/LSC/2012/0002

Property: Flat B Courtney Hall
175 The Street
Boughton Under Blean
Faversham
Kent
ME13 9BH

Between: Fajast Holdings Limited
("the Applicant")

And

Ms Lay Hoo Lian
("the Respondent")

**Date of
Consideration:** 8th February 2012

**Members of the
Tribunal:** Mr. R. Norman
Mr. R. Athow FRICS MIRPM

Date Decision issued: 9th February 2012


**FLAT B, COURTNEY HALL, 175 THE STREET, BOUGHTON UNDER BLEAN,
FAVERSHAM, KENT ME13 9BH**

Decision

1. Fajast Holdings Limited ("the Applicant") is not the freeholder of Flat B, Courtney Hall, 175 The Street, Boughton Under Blean, Faversham, Kent ME13 9BH and Ms Lay Hoo Lian ("the Respondent") who is the lessee of Flat B is not liable to pay service charges to the Applicant. The Applicant has no standing in these proceedings.

Consideration

2. The Applicant had commenced proceedings against the Respondent in the County Court (Claim Number 1QZ00568) claiming payment of various sums under the lease of Flat B. That matter was transferred to the Tribunal for determination of the matters the subject of the claim which were within the jurisdiction of the Tribunal.
3. On 8th February 2012 there was a hearing of case No.CHI/29UM/LSC/2011/0156 (“the Flat D case”). The Tribunal dealing with that case was composed of the same members as the Tribunal considering this case. The Flat D case was similar in that it concerned another flat, Flat D, at Courtney Hall, the Applicant in that case was the same as the Applicant in this case and proceedings had been commenced in the County Court by the Applicant and transferred to the Tribunal.
4. At the hearing of the Flat D case Mr. White appeared on behalf of the Applicant.
5. In a statement dated 16th December 2011, which Mr. White had prepared and submitted in response to directions issued in the Flat D case, he stated that he had been engaged by the Applicant to maintain the accounting of the Applicant’s interest in the freehold in Boughton Under Blean, Kent ME13 known as Courtney Hall.
6. However, during the course of the hearing Mr. White gave evidence that the freeholder of Courtney Hall was not the Applicant but another company: Shokran Limited which, like the Applicant, had an address in Gibraltar and, like the Applicant, had the address: Third Floor, Wigglesworth House, 69 Southwark Bridge Road, London SE1 9HH.
7. The Tribunal considered that evidence and in response to further questions from the Tribunal Mr. White stated that Shokran Limited became the freeholder in 2008 and was the freeholder in 2011 at the time the County Court proceedings were commenced.
8. The Tribunal announced that as the Applicant was not the freeholder, the Applicant had no standing in that matter, the proceedings could not continue and that this would be reported back to the County Court.
9. The position in relation to this case is the same. The proceedings should not have been commenced in the name of the Applicant as the Applicant is not the freeholder and has no standing in these proceedings. It was decided that this case should be considered on 8th February 2012 to prevent the waste of time and expense on a case which could not proceed. The decision of the Tribunal will be reported back to the County Court.


R. Norman
Chairman