

7803.

LEASEHOLD VALUATION TRIBUNAL for the
LONDON RENT ASSESSMENT PANEL

DETERMINATION BY THE LEASEHOLD VALUATION TRIBUNAL

LANDLORD AND TENANT ACT 1985, as amended

REF: LON/00AW/LSC/2012/0029

Address: Flat E, 125 Holland Road, London W14 8AS

Applicant: Estmanco (Holland Road) Ltd.

Respondents: Mr Satwant Singh Bhangra
Mrs Harbhajan Kaur Bhahgra

Tribunal: Mrs J Goulden (Chairman)
Mr A Andrew

1. The Applicant, who is the landlord of Flat E, 125 Holland Road, London W14 8AS, had, inter alia, made an application to Northampton County Court (Claim Number 1QT77944) under S27A of the Landlord and Tenant Act 1985, as amended for a determination of liability to pay service charges. That part of the application was transferred to the LVT by an Order of Deputy District Judge Murray-Smith dated 13 December 2011.

2. An oral Pre Trial Review was held on 10 April 2012. There were no attendances by or on behalf of either party. The Tribunal's Directions were issued on the same date. The Tribunal's Directions stated:

"AND UPON the Tribunal directing the Applicant to inform the Tribunal by 1 March 2012 if the application was withdrawn

AND UPON the Applicant requesting an extension of time until 15 March 2012 on the basis that the parties were close to compromise

AND UPON the Tribunal further directing on 1 March 2012 that if the Tribunal has not been given notice that the proceedings have been settled or disposed of, the Tribunal would make such other directions as are appropriate

AND UPON the Tribunal not having received any notification that the proceedings have been settled or otherwise disposed of

AND UPON neither party attending the pre- trial review hearing on 10 April 2012

AND UPON the Tribunal reading a letter from the Applicant’s representative dated 30 March 2012

AND UPON it appearing to the Tribunal that the application may be frivolous, vexatious or otherwise an abuse of process and that it is minded to dismiss it in whole or in part

IT IS DIRECTED that:

1. By 4pm on 4 May 2012 that Applicant is to show case as to why the application should not be dismissed in whole or in part of the basis that it is frivolous, vexatious or otherwise an abuse of process under Regulation 11 of the Leasehold Valuation Tribunals (Procedure) (England) Regulations 2003. This direction shall amount to notice pursuant to Regulation 11(3) of the said Regulations”

The Tribunal’s determination

3. Under Regulation 11 of the Leasehold Valuation Tribunals (Procedure) (England) Regulations 2003, a Tribunal may dismiss an application which is considered frivolous or vexatious or otherwise an abuse of process of the Tribunal.

4. It is the view of the Tribunal that the Applicant has made no effort to pursue its case and has failed to engage with the Tribunal process.

5.The Tribunal therefore dismisses the application.

CHAIRMAN..........

DATE...8 May 2012.....