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Residential  
Property  
TRIBUNAL SERVICE

**LONDON RENT ASSESSMENT PANEL  
LEASEHOLD VALUATION TRIBUNAL**

**NOTICE OF DISMISSAL PURSUANT TO REGULATION 11 OF THE  
LEASEHOLD VALUATION TRIBUNALS (PROCEDURE) (ENGLAND)  
REGULATIONS 2003 OF AN APPLICATION UNDER SECTION 20C AND  
SECTION 27A OF THE LANDLORD AND TENANT ACT 1985**

**Reference number: LON/OOAW/LSC/2009/0587**

**Application dated: 11 August 2009**

**Premises: 8 - 10 Culford Gardens, London SW3**

**To: South Watch Coast Fair Limited**

**The Law**

**REGULATION 11 OF THE LEASEHOLD VALUATION TRIBUNALS  
(PROCEDURE) (ENGLAND) REGULATIONS 2003**

***Dismissal of frivolous etc applications***

**11.—(1) Subject to paragraph (2), where—**

**(a) it appears to a 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 as frivolous or vexatious or otherwise an abuse of the process of the tribunal, the tribunal may dismiss the application, in whole or in part.**

**(2) Before dismissing an application under paragraph (1) the tribunal shall give notice to the applicant in accordance with paragraph (3).**

**(3) Any notice under paragraph (2) shall state—**

**(a) that the tribunal is minded to dismiss the application;**

**(b) the grounds on which it is minded to dismiss the application;**

**(c) the date (being not less than 21 days after the date that the notice was sent) before which the applicant may request to appear before and be heard by the tribunal on the question whether the application should be dismissed.**

**(4) An application may not be dismissed unless—**

**(a) the applicant makes no request to the tribunal before the date mentioned in paragraph (3)(c); or**

*(b) where the applicant makes such a request, the tribunal has heard the applicant and the respondent, or such of them as attend the hearing, on the question of the dismissal of the application.*

1. Following the Decision of this Tribunal dated 1 December 2009 adjourning the application to 4 March 2010, with additional directions for the adjourned hearing, the Tribunal noted at the hearing on 4 March 2010 that these additional directions had not been complied with. As a consequence it was unable to continue to consider the merits of the application.
2. We are, therefore, minded to dismiss your application as an abuse of the Tribunal's process on the following ground(s):-
  - You have failed to comply with the Tribunal's additional directions (pages 4 and 5 of the Decision) given on 1 December 2009, namely:
  - *The Cadogan Estate should be added as a respondent to the application. Each of the leaseholders should also added as respondents. The applicant will serve each of the additional respondents with (a) a copy of their original application, (b) a copy of the directions made on the 20 October 2009 and (c) a copy of these directions. The applicants are to serve all of the additional respondents by 21 December 2009 and to write to the tribunal by that date to confirm that this has been done.*
  - *The applicants will prepare and serve on each respondent a statement setting out submissions why they are entitled to make an application under Section 27A of the Act by 15 January 2010.*
  - *The applicants will prepare a supplemental bundle of papers consisting of these directions, a specimen of the under leases of the flats, the papers disclosed under paragraph 8 above and copies of their submissions and any submissions made by any of the respondents. This bundle must be indexed and paginated.*
  - and as a result the respondent could not respond to the application without being notified of the application, the supporting documents and statements and the Directions of this Tribunal.

The Tribunal cannot fairly make a determination without evidence or submissions from all the parties.

3. You may request to appear and be heard on the question of the dismissal. Any such request must be made in writing to the Tribunal with a copy to the Respondent by no later than **28 April 2010**.
4. If you do not make such a request your application may be dismissed after **28 April 2010** without further notice.
5. If you do make such a request the dismissal will be heard by the Tribunal at **10 Alfred Place, London WC1E 7LR**. The hearing will start at **10am**

on 29 April 2010 starting at 10.00 with a time estimate of one hour. The parties may attend the hearing and be heard on the question of dismissal.

6. A copy of this notice is sent to the Respondent.

**Tribunal: James Driscoll, solicitor (Lawyer Chair) and Ian Holdsworth MSc, FRICS**

**Lawyer Chair:** *James Driscoll*  
**(James Driscoll, solicitor)**

**Date: 29 March 2010**