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DIRECTIONS BY LEASEHOLD VALUATION TRIBUNAL for the  
LONDON RENT ASSESSMENT PANEL**

LANDLORD AND TENANT ACT 1985 SECTION 27(A)(1)

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LON/00AW/LSC/2005/0240

**Property:** Flat A, 25 Tite Street, London SW3 4JR  
**Applicant:** Mrs. Cherry Hughes  
**Represented by:** No appearance  
**Respondent:** Borodex Limited  
**Represented by:** Mr. Davis, Solicitor, Jeremy Davis & Co. Solicitors  
**Present:** Mr. C Tillie, Borodex Limited

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**Preliminary:**

This a hearing to determine whether the application dated 26/8/06 made by the Applicant pursuant to section 27(A) of the Landlord and Tenant Act 1985 should be struck out as an abuse of the Tribunal's process pursuant to regulation 11 of the Leasehold Valuation Tribunal (Procedure)(England) Regulations 2003.

At the hearing held to determine this issue, the Applicant was not present, having indicated to the Tribunal the previous day she would not be attending. Mr. Davis, Solicitor accompanied by Mr. C. Tillie, of Borodex Limited, represented the Respondent. In addition to considering striking out the Applicant's application, the Tribunal were invited by Mr Davis to make an award of costs against the Applicant pursuant to Schedule 12, regulation 10 of

the Leasehold Valuation Tribunals (Procedure) (England) Regulations 2003 in order to off-set in part the otherwise irrecoverable costs of this litigation in the LVT.

**Decision:**

The Tribunal considered fully the documentation in this matter and paid particular regard to the history of directions given to the parties. The Tribunal noted the adjourned hearing brought about by the Applicant's indication that she wished to withdraw her application and her subsequent change of heart. The Tribunal also noted the continued failure by the Applicant to comply with directions, having informed the Tribunal that she wished after all, to continue with her application as well as her stated intention not to attend at today's hearing. In the circumstances the Tribunal finds it appropriate to dismiss the Applicant's application pursuant to regulation 11 as she has failed to progress her application and has abused the processes of the Tribunal.

Further, the Tribunal finds it just and reasonable to make an award of costs to the Respondent pursuant to regulation 10 in the sum of £500 payable by the Applicant, in view of the Tribunal's decision to strike out and in light of the fact, as confirmed by Mr. Davis, that the costs of this litigation are otherwise irrecoverable from the Applicant.

Chairman: *W. T. Adhawan*

Dated: *30/5/06*