



**HER MAJESTY'S COURTS AND TRIBUNALS SERVICE
LEASEHOLD VALUATION TRIBUNAL
LONDON RENT ASSESSMENT PANEL**

DECISION

LANDLORD AND TENANT ACT 1987 SECTION 24

LON/00AY/LAM/2011/0005

Property: Clevedon Court, Clive Road, London SE21 8BT
Applicant: Mr R Gibbs and Mrs C Gibbs
Respondent: Clevedon Court (Dulwich) Ltd
Tribunal: Adrian Jack, chairman; Trevor Sennett FCIEH, Sue Wilby


1. By an application received on 3rd March 2011 the applicants sought the appointment of a manager under section 24 of the Landlord and Tenant Act 1987.
2. On 6th April 2011 the Tribunal gave directions for the trial of a preliminary issue as to the applicants' status to bring the application and to determine whether the notice served under section 22 of the 1987 Act was valid.
3. On 9th June 2011 the Tribunal determined that the applicants could properly make such an application and it adjourned determination of the validity of the notice to the substantive hearing.
4. The Tribunal also gave directions that the applicants serve their evidence by 23rd June 2011, a list of valuers for insurance purposes by 30th June 2011 and by 12th August 2011 the details of the proposed

manager. The applicants were to file bundles by 26th August 2011. None of these directions were complied with by the applicants. The Tribunal had no hearing bundles and no evidence in accordance with the directions, when the matter was called on today.

5. At the hearing today, the first applicant appeared in person. With him was Mr Smith, his property manager. The respondent was represented by Mr McDermott of counsel. With him were Mr Ahmed of the managing agents and Mr Adamson of the respondent.
6. The first applicant applied for an adjournment. He said that he had been let down by his solicitors, Cook & Partners, who had not complied with the directions. The application for adjournment was opposed by the respondents.
7. The Tribunal considered that it could not properly investigate relations between the applicants and their former solicitors. Insofar as the solicitors were at fault, the applicants were answerable.
8. The Tribunal noted that the respondent's primary case was that the original notice was invalid. If that were right, it would still be open to the applicants to serve a fresh notice and seek the appointment of a manager on the basis of the fresh notice.
9. In these circumstances, the Tribunal considered that the appropriate course was to refuse the application for an adjournment and then, in the absence of evidence, to dismiss the application. The dismissal of the application is, however, without prejudice to the applicants' right to bring a fresh application based on a fresh notice.
10. The breaches of the Tribunal's directions were unreasonable acts. Under schedule 12 to the Commonhold and Leasehold Reform Act 2002 we have the power in those circumstances to order each party to pay up to £500 in wasted costs. The wasted costs exceed £1,000, so we order the first applicant to pay the respondent £500 and the second applicant to pay the respondent £500. Whether the applicants can recover these costs from Cook & Partners is not a matter for the Tribunal.

DETERMINATION

1. **The applicants' application for an adjournment is refused.**
2. **The application is dismissed, but without prejudice to the applicants' right to bring a further application based on a fresh notice under section 22 of the Landlord and Tenant Act 1987.**
3. **The first applicant do pay the respondent £500.**
4. **The second application do pay the respondent £500.**


Adrian Jack, Chairman

6th September 2011