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**FIRST-TIER TRIBUNAL  
PROPERTY CHAMBER  
(RESIDENTIAL PROPERTY)**

**Case Reference** : CHI/21UD/LSC/2014/0069

**Property** : Flats 4 & 5, 26 Eversfield Place, St  
Leonards on Sea, East Sussex. TN37 6BY

**Applicant** : Mr B Fox

**Representative** : ---

**Respondent** : Eversfield Property (Holdings) Limited

**Representative** : Eversfield Property Management Limited

**Type of Application** : Application for determination of liability to  
pay service charges Section 27a Landlord  
and Tenant Act 1985

**Tribunal Member(s)** : Judge P J Barber

**Date of Notice** : 3<sup>rd</sup> February 2015

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**NOTICE OF STRIKING OUT OF APPLICATION PURSUANT TO  
REGULATION 9 OF THE TRIBUNAL PROCEDURE (FIRST-TIER  
TRIBUNAL) (PROPERTY CHAMBER) RULES 2013**

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1. The application dated 31<sup>st</sup> July 2014 in this matter sought a determination as to service charges arising in respect of the Property in 2013 and 2014.
2. Directions in the matter issued on 5<sup>th</sup> and 26<sup>th</sup> September 2014 required the parties to provide certain documents as specified, within stated time limits. The Applicant failed to comply fully with directions, as required by 31<sup>st</sup> October 2014, in particular by omitting to provide a statement setting out the service charge provisions in the leases and/or any legal submissions in support of the challenge, and providing merely a single completed schedule page.
3. Despite reminders issued by the Tribunal office, variously during December 2014 and January 2015, the Applicant has failed to file any detailed statement in support of his application as required by directions.
4. By letter dated 12<sup>th</sup> January 2015 the Respondent invited the Tribunal to consider striking out the application on the grounds that the Applicant had failed properly to comply with directions and that the proceedings are frivolous or vexatious or otherwise an abuse of the process of the Tribunal and/or in the alternative that there is no reasonable prospect of the proceedings, succeeding.
5. By letter dated 19<sup>th</sup> January 2015, the Tribunal required the Applicant to submit written representations specifically in regard to the proposal made by the Respondent for striking out of the application, by 31<sup>st</sup> January 2015.
6. By letter dated 21<sup>st</sup> January 2015 and subsequent e-mail, the Applicant responded to the Tribunal, but failed in each case to make any representations in regard specifically to the proposal for striking out.
7. In all the circumstances, including the absence of proper compliance by the Applicant with directions and the Applicant's failure to make any clear representations as to why the proceedings should not be struck out, despite the request that he should do so, the Tribunal considers that the Applicant has failed to cooperate with the Tribunal such that the Tribunal cannot deal with the proceedings fairly and justly and, accordingly the Tribunal now strikes out the application.