

S90



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

**Case Reference** : **LON/00/BD/LBC/2013/00070**

**Property** : **Flat 8 St Richard's Court  
Ashburnham Road London TW10  
7NS**

**Applicant** : **Rambourg Holding Corp**

**Representative** : **Mr J Ollech, Counsel**

**Respondent** : **Mr G Botham**

**Representative** : **In person**

**Type of Application** : **S168 Commonhold and Leasehold  
Reform Act 2002**

**Tribunal Members** : **Mrs F J Silverman Dip Fr LLM  
Mr M Taylor FRICS**

**Date and venue of  
Hearing** : **10 Alfred Place, London WC1E 7LR**

**Date of Decision** : **8 January 2014**

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**DECISION**

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This application is struck out under Rule 9 (2) of the Tribunal Rules of Procedure 2013 because the Tribunal has no jurisdiction to entertain it.

## REASONS

1 By an application dated 9 September 2013 the Applicant Landlord asked the Tribunal to determine whether or not the Respondent Tenant was in breach of covenant of his lease. This is a determination falling within s168 Commonhold and Leasehold Reform Act 2002.

2 Directions were issued by the Tribunal on 13 September 2013 and 6 December 2013 and the matter came before the Tribunal for a substantive hearing on 8 January 2014.

3 At the hearing the Applicant was represented by Mr J Ollech of Counsel and the Respondent appeared in person.

4 The Tribunal declined to accept the Applicant's application to amend their application because it had only been served on the Respondent on the morning of the hearing and was thus too late to permit the Respondent to be able to make a considered response to the new allegations contained in the document. Similarly, the Tribunal rejected the Respondent's request to file an amended response which was also only served on the morning of the hearing.

5 The Respondent asserted that the Applicant company, registered in Panama, had been dissolved in the early part of 2013 ( March or April ) and therefore had no locus standi to bring the claim. He produced a computer print out of a page from the Panamanian register of companies to support his contention. This page was not notarised and had not been officially translated from its original language ( Spanish) and the Tribunal refused to accept it as evidence .

6 The Tribunal adjourned to permit the Applicant to take instructions on this point.

7 On resumption of the hearing the Applicant's representative said that he had ascertained that the Applicant company had been dissolved during 2013 and that steps were being taken to restore the company to the register but he could not demonstrate that that had been done nor that the company had been in existence at the date when the application had been filed . He agreed that the company had been dissolved in the early part of 2013. As a result of this information he was without instructions.

8 The Tribunal accepts the Applicant's representative's admission that the Applicant company did not exist as at the date when they made their application to the Tribunal . That being so, the Tribunal has no jurisdiction to entertain the claim and the application is therefore struck out under Rule 9(2) of the Tribunal rules of Procedure 2013.

Judge F J Silverman as Chairman

**Date 7 January 2013**

Note:

## Appeals

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28-day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking