

Y TRIBIWNLYS EIDDO PRESWYL
RESIDENTIAL PROPERTY TRIBUNAL
LEASEHOLD VALUATION TRIBUNAL

Reference: LVT/0022/08/15 – Folland Court

In the Matter of Blocks D and E Folland Court, West Cross, Swansea, SA3 5BJ

In the matter of an application under Section 20ZA of the Landlord and Tenant Act 1985.

TRIBUNAL	Mr R Payne
APPLICANT	Folland Court (1989) Management Limited
RESPONDENTS	Mr and Mrs Camm Mr and Mrs H Williams Mrs Gloria James Mr and Mrs N Allnat Mrs Jane Francis Mrs Kiley Mr and Mrs Griffiths Dr and Mrs Powell Mrs N Ahearne Mrs Scourfield Mrs Margaret Jones Mr Tony Williams Mr and Mrs Deardon Mr N Marsh

ORDER

The application for dispensation from consultation dated 17th August 2015 and received by the Tribunal on 19th August 2015 is dismissed, since it appears to the Tribunal that the application is frivolous or vexatious or otherwise an abuse of process of the Tribunal.

REASONS

1. The Tribunal gave Directions to pursue this matter on 28th August 2015. The Directions required the applicant to take certain steps. The applicant has failed to comply with the Directions.
2. The applicant was required, by 12 noon on 9th September 2015, to file at the Tribunal and serve on the respondents a Statement in support of the application dealing with the relevant information and exhibiting relevant documentation. On 10th September 2015 at 14:02 hours, the Tribunal received an e-mail from Mr Gareth Eynon of CLC Property seeking an extension of the 9th September 2015 deadline owing to work commitments. Mr Eynon was the signatory on the application and the applicant's representative.
3. By email on the 11th September 2015, the Clerk to the Tribunal asked Mr Eynon what extension was being sought, and why and also asked for confirmation that the extension request had been put to the respondents. The Tribunal emailed Mr Eynon

again at 11:49 on 15th September 2015 seeking a response. The applicant/Mr Eynon have failed to respond.

4. On 23rd September 2015 the Tribunal wrote to Mr Eynon by Recorded Delivery at his business address and by email pointing out the failure to comply with Directions or reply to email correspondence. The Tribunal pointed out that it appeared that Mr Eynon was behaving unreasonably and abusing the process of the Tribunal and was minded to dismiss the application in accordance with Regulation 11 of the Leasehold Valuation Tribunals (Procedure)(Wales) Regulations 2004.
5. The Tribunal's letter to Mr Eynon of 23rd September 2015 referred to the persistent failure of the applicant to comply with Directions or to correspond with the Tribunal. It pointed out that the application was to dispense with consultation and thus such applications usually require works to be undertaken with a degree of urgency.
6. There has been no further correspondence or communication with the Tribunal from Mr Eynon or the applicant, or anyone on their behalf. This professional discourtesy is surprising given that Mr Eynon is apparently a Chartered Surveyor and works for CLC Chartered Surveyors of Swansea. This persistent failure to respond to the Tribunal or to communicate is an abuse of the process of the Tribunal. The Tribunal had invited Mr Eynon's comments by no later than 12 noon on Friday 16th October 2015 upon the question of whether or not the application should be dismissed.
7. Mr Eynon has provided no further comment or explanation for default and the Tribunal is satisfied that such persistent failure to comply or communicate is an abuse of the process of the Tribunal. The application is hereby dismissed.

Dated this 21st day of October 2015



MR RICHARD PAYNE
VICE PRESIDENT