

Y TRIBIWNLYS EIDDO PRESWYL  
RESIDENTIAL PROPERTY TRIBUNAL  
LEASEHOLD VALUATION TRIBUNAL

Reference: LVT/0041/02/23

In the Matter of Flat 15, Morfa Cadfan, Tywyn, Gwynedd, LL36 9AB

In the matter of an Application under Section 27A Landlord and Tenant Act 1985.

Applicants Ronald Groves and Samantha Groves

Respondents Adra (Tai) Cyfyngedig

### **Order.**

IT IS ORDERED THAT: This case is dismissed under Rule 11 (a) of the Leasehold Valuation Tribunals (Procedure) (Wales) Regulations 2004 as being an abuse of the process of the tribunal.

1. The Applicants applied to the tribunal to challenge an increase in service charges for the year 2023 by application form dated 28 February 2023. Directions were given by order of 7 March 2023 which, amongst other things, by paragraph 5, required the Applicants to provide evidence and a witness statement in support of their case.
2. The Applicants have failed to comply with paragraph 5 of the directions order of the 7<sup>th</sup> March 2023 that required them to provide evidence and a witness statement in support of their case by 4 pm on Friday 28<sup>th</sup> April 2023. The tribunal's clerk had chased the Applicants by email and spoke to the second Applicant on 19<sup>th</sup> May and 26<sup>th</sup> June 2023 reminding the Applicants of the need to comply with the directions. The Applicants have not done so. The tribunal clerk's email of 26<sup>th</sup> June asked the Applicants to contact the tribunal by 4 pm on 27<sup>th</sup> June or the matter would be referred to a judge which may result in their application being dismissed.
3. The Respondents had complied with their obligations under the directions order insofar as they were able to do so. The Applicants had been ordered to set out their case and their issues of dispute, but they had not done so and therefore the Respondents were unable to reply further.
4. It appeared to the tribunal that the Applicants were making no attempt to progress their application and that this constituted an abuse of the process of the tribunal. The tribunal made an order on 13<sup>th</sup> July 2023 stating that it was minded to dismiss the application on the grounds that the Applicants were in default of the directions and had made no attempt to remedy that default despite reminders and contact from the tribunal's clerk on 19<sup>th</sup> May and 26<sup>th</sup> June 2023.

5. The Applicants were informed of their right to request to appear before the tribunal and be heard upon the question of whether the applications should be dismissed but were informed that any such application to do so should be made by 10:00 a.m on Wednesday, 16 August 2023. The tribunal has not heard anything further from the Applicants in this matter.
  
6. In the circumstances, I am satisfied that the failure to comply with directions and to respond to the tribunal's reminders indicates, on the balance of probabilities, that the application is frivolous or vexatious or is otherwise an abuse of the process of the tribunal. There has been no attempt at all to further the case or to comply with the processes of the tribunal since the application was made. Accordingly, the application is dismissed. The tribunal will now be closing its file.

DATED this 30<sup>th</sup> day of November 2023

Tribunal Judge R. Payne