



LRA/125/2006

**LANDS TRIBUNAL ACT 1949**

*LANDLORD AND TENANT – acquisition by tenant of a new lease – application to Leasehold Valuation Tribunal – procedure – Leasehold Valuation Tribunal (Procedure)(England) Regulations 2003*

**IN THE MATTER OF AN APPEAL FROM A DECISION OF THE LEASEHOLD VALUATION TRIBUNAL FOR THE LONDON RENT ASSESSMENT PANEL**

**BETWEEN**

**HAYA NASHAT Wafa**

**Appellant**

**and**

**GROSVENOR WEST END PROPERTIES**

**Respondent**

**Re: 14 Connaught House  
Mount Row  
London W1Y 5DBI**

**Before: His Honour Judge Huskinson**

**(Case decided upon written representations)**

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## DECISION

1. The Appellant appeals to the Lands Tribunal, with permission granted by the Leasehold Valuation Tribunal, from the decision of the Leasehold Valuation Tribunal for the London Rent Assessment Panel (“the LVT”) dated 24 July 2006 whereby the LVT dismissed the Appellant’s application dated 2 February 2005 purportedly under its powers under Regulation 11 of the Leasehold Valuation Tribunal (Procedure) (England) Regulations 2003. The Appellant’s application of 2 February 2005 was an application under section 48 of the Leasehold Reform, Housing and Urban Development Act 1993 for the determination of the premium payable upon the grant to the Appellant of a new lease and for the determination of the terms of the new lease.

2. By a letter dated 4 May 2007 and sent by the Lands Tribunal to the solicitors for the Appellant and for the Respondent (and also sent to Denton Wilde Sapte representing another landlord, namely Whiston Properties Limited who had indicated an intention to be separately represented) the Tribunal notified the parties of its provisional view in these proceedings and indicated that, in the absence of any written representations from any party to the contrary by 25 May 2007, the Tribunal would decide the case upon the written representation procedure and would reach a decision in accordance with the provisional view stated in that letter. With the letter of 4 May 2007, there was sent to the Respondent’s solicitors and also to Wilde Sapte a copy of a witness statement by Lucy Janet Barber (together with attached documents) which had been lodged with the Tribunal on behalf of the Appellant and which explained what procedurally had occurred in this case.

3. No such written representations to the contrary have been received from any party by 25 May 2007 or at all. I conclude that the parties have thereby consented to this appeal being determined without an oral hearing.

4. The Tribunal concludes that the LVT, in reaching its decision which is the subject of this appeal, erred in law in that:

- (a) The LVT wrongly dismissed the Appellant’s application without taking into consideration a letter from the Appellant’s solicitors dated 12 June 2006.
- (b) The LVT wrongly concluded that it had jurisdiction to dismiss the Appellant’s application under Rule 11 of the 2003 Regulations when
  - (i) the LVT had misdirected itself that it had sent a reminder letter to the parties dated 21 June 2006 when in fact no such letter had been sent, and
  - (ii) the letter of 21 June 2006 (sent to the Appellant’s solicitors by way of copy after the LVT had already dismissed the Appellant’s application) would not (even if it had been sent earlier) have constituted an adequate letter to comply with the provisions of Regulation 11(2) and (3).

5. Accordingly the Tribunal allows the Appellant's appeal. The decision of the LVT dated 24 July 2006 is reversed and, as a result, the Appellant's application to the LVT remains an outstanding application before the LVT.

Dated 3 July 2007

His Honour Judge Huskinson