



FIRST-TIER TRIBUNAL PROPERTY CHAMBER

Applicants

JAYNE TAUN

-v-

Respondent

GRIF051 LIMITED

RE: Flat 39 Clough Gardens, Haslingden, Rossendale BB4 5AP

ORDER

The Tribunal strikes out the application dated 28 October 2018 under Rule 9(3)(d) of the Tribunal Procedure (First-tier) Tribunal (Property Chamber) Rules 2013.

REASONS FOR THE ORDER

The Tribunal wrote to the parties on 26 April 2019 setting out in a Case Management Note that “Pursuing these proceedings will incur the Respondent and the Tribunal in considerable time and effort, and the Tribunal must now consider the merits of allowing these proceedings to continue and be satisfied that there is a good reason to do so. We must consider also whether it is proportionate to do so.”

The Applicant has now helpfully supplied a copy of the latest service charge account statement received from the freehold Respondent, dated 19 April 2019. This outlines that all the administration charges have been refunded to the Applicant and the outstanding balance relates solely to payments due in respect of ground rent. The Respondent is entitled under the terms of the Lease to demand the payment of ground rent and the Tribunal does not have any jurisdiction to determine disputes concerning ground rent.

The Tribunal notes that this dispute appears to relate to the method in which the demands are being made, by post, when the Applicant is often away for long periods of time from the Property and her reluctance to make payments by direct debit or on account. The Tribunal considers that this is a matter that both parties should be able to resolve between themselves, especially as the

dates when the ground rent falls due are clearly set out within the terms of the Lease. However, as previously stated this is not a matter that the Tribunal has the jurisdiction to make a determination on.

As there are now no actual monies in dispute and all administration charges have been refunded, we do not consider that allowing this application to proceed would be a proportionate or effective use of the Tribunal's or the parties' time. We therefore strike out this application for this reason.

Dated: 23 May 2019

Deputy Regional Valuer N A P Walsh