



Case law on the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules has been a rare commodity in the Upper Tribunal, but this year saw not one but two appeals against decisions striking out a party's case under rule 9. In the first, the appeal arose from the exercise of the FTT's *power* to strike out. In the second, it was about the engagement of the FTT's *obligation* to strike out.

In *Charles v LB Tower Hamlets* [2018] UKUT 0140 (LC), Ms Charles's s.27A application was struck out under the FTT's discretionary power (rule 9(3)) because, despite Tower Hamlets having complied with a direction for disclosure of relevant documents, Ms Charles did not provide a statement of case setting out why she disputed her service charges.

Next was *Marlborough Park Services Ltd v Leitner* [2018] UKUT 0230 (LC). Here there was a partial strike out under the rule 9(2), which mandates the strike out any part of a case if the FTT has no jurisdiction over it and makes no transfer to any court or other tribunal.

In *Leitner*, the question was whether the lessee had admitted liability to pay the service charges for all years in relation to which she had made a s.27A application. The Upper Tribunal held that there had been an admission for some years, but not others.

