

ALT 06/2017

AGRICULTURAL HOLDINGS ACT 1986

Applicant: John Elwyn Evans (represented by Agri Advisor Legal LLP)

Respondent: Bordogan Properties (CI) Limited (represented by Lanyon Bowdler LLP)

Land: Treiddon and Fishing Lodge, Bodorgan, Anglesey

DECISION

1. By way of a letter dated 6 September 2017, received by the Tribunal on 8 September 2017, the Respondent, through its legal representatives, asks for an extension of time, pursuant to Rule 51 of the Agricultural Lands Tribunal (Rules) Order 2007: SI 2007/3105
2. I dismiss that application for the following reasons.
3. Rule 51 allows the Tribunal to vary time limits, *'where [the Tribunal] considers that it would not be reasonable to expect or have expected compliance within the time limit'*.
4. The underlying substantive application results from the death of William John Evans on 18 April 2017. An in-time application to succeed to his tenancy was received by the Tribunal on 17 July 2017.
5. On 7 August 2017, the Tribunal wrote to the Respondent, at its registered office in Jersey, informing it of the same, giving it one month to respond to oppose that application.
6. There was a further letter on 24 August 2017.
7. The Respondent's time expired on 7 September 2017. The application for an extension of time was in-time, although only by a day or so. The applicant did not state how much time it sought in order to compose a response.
8. I am not satisfied that the Respondent's reason for not responding within-time is a good one. Its representatives state that neither of the Tribunal's letters reached the Respondent. I do not understand why that should be so. It is not said that the Tribunal used the wrong address. The Tribunal's correspondence was sent in the ordinary course of the post. There is a presumption of service, until and unless the contrary is proved: section 7 of the Interpretation Act 1978. A bare assertion of non-receipt by a limited company is insufficient to displace the presumption of service.

9. For these purposes, the fact that the Respondent company is domiciled in the Channel Islands makes no difference. I am not provided with any information as to its staffing or its other arrangements in Jersey, or any information as to how its post is dealt with once received in Jersey.
10. In its letter of 14 September 2017, the Applicant states that, whatever the Tribunal did, the Applicant also sent copies of the Application, by way of courtesy, to the Respondent. No mention of this is made by the Respondent's representatives in their letter.
11. But, and in any event, no response has been received. Even taking the Respondent's own case at its most favourable, the Respondent knew of the application by 5 September 2017 at the latest. That is now 6 weeks ago. Nothing has been heard in the meanwhile from the Respondent. The Respondent knew that it was late; and knew that an extension of time would be required.
12. It was not reasonable for the Respondent to rest on its oars waiting for a response from the Tribunal 'in due course' to its letter of 6 September 2017 before preparing a formal response to the application.

Dated: 19 October 2017

Signed:

Dr Christopher McNall, Tribunal Deputy Chairperson

Signed:

Mr Adrian Evans, Tribunal Secretary