

IN THE LANDS TRIBUNAL OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION

No. LD / _____

Application for Judgment in Default of Opposition
Pursuant to Rule 15 of Lands Tribunal Rules

BETWEEN _____ **Applicant**
AND _____ **Respondent**

I, _____, the **representative of* Applicant, provide herewith the up-dated information and apply for a judgment in default of opposition as follows :-

- (1) The suit premises consist of a subdivided unit as defined in section 120AA(1) of the Landlord and Tenant (Consolidation) Ordinance (Cap.7). The tenancy of which is a sub-tenancy created out of another tenancy and is regulated under Part IVA of the Landlord and Tenant (Consolidation) Ordinance, Cap. 7. The regulated tenancy was terminated because of the termination of a tenancy superior to the regulated tenancy (i.e. superior tenancy). The tenant of the regulated tenancy (i.e. sub-tenant) failed to deliver up vacant possession of the subdivided unit on the date on which the regulated tenancy was terminated (i.e. termination date).
- (2) The tenant of the subdivided unit (i.e. sub-tenant) eventually delivered up vacant possession of the subdivided unit on _____
- (3) A copy of Application Form 22 was duly served on the Respondent as per the (latest) "Affidavit/Affirmation of Service" filed into the Tribunal. As far as I know, the said copy was neither returned nor undelivered. I have no evidence or information to indicate that service is ineffective.
- (4) The Respondent has failed to file Notice of Opposition into the Tribunal within the time specified in law or by the court.
- (5) I am applying in the capacity of a *Superior Landlord / *Sub-landlord.
- * (6) As I am applying in the capacity as a Sub-landlord, I have obtained from the Superior Landlord a written waiver of his right to recover the compensation under section 120AAZK of the Landlord and Tenant (Consolidation) Ordinance, Cap.7.
- (7) The 15-day period (counting from the date on which the Respondent delivered up vacant possession of the subdivided unit) allowed under section 120AAZK(5) of the Landlord and Tenant (Consolidation) Ordinance, Cap.7 for the Respondent to make payment has been expired.
- (8) Up to the date of filing of this application, the Respondent has failed to pay the compensation in accordance with the prescribed formula in section 120AAZK of the Landlord and Tenant (Consolidation) Ordinance, Cap.7

A = B x C

A is the compensation which is \$_____ according to my calculation

B is the monthly rent payable by the sub-tenant under the regulated tenancy for the subdivided unit immediately before the termination date (which is \$_____ per month)

C is the number of months covering the period commencing on the date immediately after the termination date and ending on the date on which the sub-tenant delivered up vacant possession of the subdivided unit (holding-over period) (which is _____ months, if the number of months covering a holding-over period is not an integer, it is to be rounded down to the nearest integer)

(9) I produce herewith the **copies** of the following documents in support of this application :

- * () The rental receipt of the subdivided unit immediately before the termination date (see Annex “_____”)
- * () a sealed copy of the order of possession of the subject premises of which the subdivided unit wholly or partly forms part (see Annex “_____”).
- * () The waiver given by the superior landlord in writing to waive the right to recover the compensation (see Annex “_____”).
- * () _____

(10) I now apply for an order that:-

the Respondent is to pay all the sums as mentioned in above paragraph (8).

Dated this _____ day of _____, 20_____.

(Signature of **the authorised representative of Applicant*)

Full Name of the Signatory: _____

* Delete whichever is inapplicable.

❖ If the Applicant is a company/incorporation, please affix the company seal/chop and write down the full name of the signatory. Any authorized representative should also at the same time produce an effective letter of authorization.