

Lady Justice Arden :

1. This court gave very careful consideration to the detailed submissions from Counsel as to whether this Court's order should be stayed pending an application to the Supreme Court.
2. The Court noted that the appellant was prepared to seek permission without delay. In addition, to refuse a stay would mean that he would have to leave his present home. The judgment shows that he is a very sick man.
3. However, the respondent's submissions explained that the head lessor had on 1 May 2014 served notice to quit on Aster in respect of the flat in which the appellant is living and that this notice to quit expired on 30 June. The respondent also explained that by letter dated 10 June the head lessor informed it that it itself was under pressure from its mortgagee to sell the block of flats of which the appellant's flat forms one. It has found a purchaser for the flats and requires vacant possession. If the head lessor does not obtain possession, then the mortgagee is likely to start proceedings to do so and there may well be a financial loss to the head lessor as a result.
4. There are other considerations. These proceedings have been ongoing since September 2011. The appellant has been made more than one offer of alternative accommodation, which he has not taken up. In addition, if the applicant is evicted, the Local Housing Authority will continue to owe him the duty set out in section 190 of the Housing Act 1996.
5. In all the circumstances, the court considered that a stay should be refused.

END OF RULING
