



**RST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)**

Case reference	:	LON/00AN/LDC/2024/0502
Properties	:	Various properties in Hammersmith & Fulham
Applicant	:	Council of the London Borough of Hammersmith & Fulham
Respondents	:	Leaseholders as listed in the application
Type of application	:	To dispense with the requirement to consult leaseholders pursuant to s.20ZA Landlord and Tenant Act 1985
Judge	:	Judge Sarah McKeown
Date of directions	:	17 October 2024

**DIRECTIONS ON AN APPLICATION UNDER SECTION 20ZA OF
THE LANDLORD AND TENANT ACT 1985**

The parties may agree between themselves any reasonable change to the dates in these Directions EXCEPT for the date of sending the bundles and the hearing date/s.

Communicating with the Tribunal

- Unless directed otherwise, all communications to the tribunal, including the filing of documents and bundles, should be by **email ONLY**, attaching a letter in Word format. Emails must be sent to London.RAP@justice.gov.uk and all communications must be copied to the other party or parties at the same time. The attachment size limit is 36MB. Larger files should be uploaded to a secure file sharing website and a web link provided.
- If a party does not have email, access to the Internet and/or cannot prepare digital documents, they should contact the case officer about alternative arrangements.

- Documents prepared for the tribunal should be easy to read. If possible, they should be typed and use a font-size of not less than 12.

Background to the Application

- (A) The Applicant landlord seeks dispensation under section 20ZA of the Landlord and Tenant Act 1985 from some of the consultation requirements imposed on the landlord by section 20 of the 1985 Act¹.
- (B) The Applicant intends to enter into a contract for the supply of for the supply of gas and electricity via LASER. The agreements will relate to:
 - (a) The supply of electricity to blocks and estates and street properties for landlord's lighting, staircase lighting, lifts, estate lighting, boiler rooms and communal services such as door entry systems and fire alarms and communal services such as door entry systems and fire alarms serving the residential leasehold properties;
 - (b) The supply of gas to the boiler room on estates, communal block boilers and communal supplies on smaller blocks serving the residential leasehold properties
- (C) The contract is a Qualifying Long Term Agreement ('QLTA') to which section 20 of the 1985 Act and the Service Charges (Consultation Requirements) (England) Regulations ('the 2003 Regulations') applies.
- (D) The Applicants contend that a Notice of Intention was sent to all homeholders who contribute towards the supply of communal energy and all recognised tenants and residential associations, on 5 and 12 August 2024 respectively. The notices advised recipients of the pending application to the Tribunal and signposted them to a webpage where a copy of the application will be uploaded, along with a copy of the directions and offer an opportunity for homeowners to request hard copies of documents in request. The webpage will also provide information on how homeowners can participate in the process or make representations on the application. The application is said to be urgent because the existing framework agreement ends on 31 March 2025 and the Applicant intends to enter into the contract by 1 December 2024 to enable forward purchasing in the run up to the commencement of the new supply period. The Applicants seek dispensation from compliance with the consultation requirements in the 2003 Regulations.

¹ See the **Service Charges (Consultation Requirements) (England) Regulations 2003 (SI 2003/1987)**

- (E) The only issue for the Tribunal is whether it is reasonable to dispense with the statutory consultation requirements. **This application does not concern the issue of whether any service charge costs will be reasonable or payable.**

DIRECTIONS

1. The Applicant landlord must by **25 October 2024**:
 - Write to all homeholders who contribute towards the supply of communal energy and all relevant residential associations by email, hand delivery or first-class post with:
 - (a) Copies of the application form (**excluding** any respondents' telephone numbers or email addresses, or any separate list of respondents' names and addresses) unless already sent by the applicant to the leaseholder/sublessee;
 - (b) If not already detailed in the application form a brief statement to explain the reasons for the application; and
 - (c) These directions
 - Put a copy of these directions on the webpage referred to above and advise the leaseholders that as the application progresses additional documents will be added to the website, including the final decision of the tribunal, stating clearly that the final decision is likely to be uploaded on or after 6 December 2024.
 - Confirm to the tribunal by email that this has been done and stating the date(s) on which this was done.
2. Those leaseholders who oppose the application must by **8 November 2024**:
 - Complete the attached reply form and send it by email to both the Applicant/landlord and to the tribunal at London.Rap@justice.gov.uk and
 - Send to the Applicant landlord, by email or by post, a statement in response to the application with a copy of the reply form. They should send with their statement copies of any documents upon which they wish to rely.
2. The Applicant/landlord may send to the Respondents/leaseholders a brief reply to any statements in opposition received, by **15 November 2024**.
3. The Applicant landlord must by **22 November 2024**:

- Prepare a digital, indexed and paginated Adobe PDF bundle of all relevant documents for use in the determination of the application, containing all of the documents on which the Applicant landlord relies, including the application form, these and any subsequent directions, copies of any replies from the leaseholders and any relevant correspondence with the tribunal;
- Upload a copy of the bundle to their website;
- The bundle should contain:
 - (a) the application form and accompanying documents,
 - (b) these and any subsequent directions,
 - (c) any statement from the Applicant/landlord to explain the reasons for the application as was provided with the application and/or in accordance with paragraph 1,
 - (d) documents upon which the Applicant/landlord relies,
 - (e) copies of any replies from the Respondents/leaseholders and their evidence **OR** confirmation that there were no responses, and
 - (f) any relevant correspondence.
- Write to each of the leaseholders who have sent a reply form to oppose the application, by email and/or post, providing them with a link to the uploaded bundle or send them a copy of the bundle by email and, if requested, by post; and
- Also send an email to the tribunal at London.Rap@justice.gov.uk with a similar link to the uploaded bundle, that can be downloaded by the tribunal. The subject line of the email must read: "BUNDLE FOR PAPER DETERMINATION: [case reference number]".

Decision

4. The tribunal will decide the application during the five days commencing **2 December 2024** based on written representations.
5. However, any party may request a hearing. Any such **request should be made by 8 November 2024**, giving an indication of any dates to avoid. The hearing will have a time estimate of two hours, but a party should notify the tribunal if that time estimate is insufficient.
6. If a hearing is requested:
 - It shall take place on **a date to be confirmed as a face to face hearing, at 10 Alfred Place, London WC1E 7LR**, making use of the electronic documents received. The parties may if they wish (but are not obliged to) provide the tribunal and the other parties with a

concise written summary of their case (referred to as a “skeleton argument”) **three days** before the date of the listed hearing.

- A party who is intending to rely upon oral witness evidence at a hearing must provide the witness with a copy of the hearing bundle for use at the hearing.
- Parties may wish to print out a copy of the digital hearing bundle(s) for use at the hearing. The tribunal will be using the digital hearing bundles provided, unless it directs otherwise.
- Any party may request, from another party, a physical paper copy of a hearing bundle relied upon by that party (this must be provided, free of charge, within seven days of the request).

Evidence from Abroad: Any party or witness. If you or your witness intends to give oral evidence at the hearing from somewhere outside of the United Kingdom, you must request from your case officer the *Guidance Note for Parties: Evidence from Abroad* as soon as possible. The processes laid out in that Guidance Note are those that you must follow. The Tribunal cannot offer any other assistance with the process, which is the responsibility of the person wishing to give evidence from abroad to follow. Failure to follow the process outlined in the Guidance is likely to result in you or your witness being unable to give oral evidence from abroad.

7. The Applicant/landlord will be responsible for serving a copy of the Tribunal’s eventual decision on all leaseholders who opposed the application.
8. Furthermore, the Applicant must upload a copy of the tribunal’s decision and appeal rights on their website, if they have one, or on a web-based document storage site **within 7 days of receipt** and shall maintain it there for at least 3 months, with a sufficiently prominent link to both on their home page, or (if longer) until the new contract is entered into.

Applications

9. Applications for further directions, interim orders, variations of existing directions, or a postponement of the final hearing/determination must be made using form Order 1².

Non-Compliance with Directions

10. If the **applicant** fails to comply with these directions the tribunal may **strike out** all or part of their case pursuant to rule 9(3)(a) of the Tribunal

² Form Order 1 is available at <https://www.gov.uk/government/publications/ask-the-first-tier-tribunal-property-chamber-for-case-management-or-other-interim-orders>

Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 (“the 2013 Rules”).

11. If the **respondent** fails to comply with these directions the tribunal may bar them from taking any further part in all or part of these proceedings and may determine all issues against it pursuant to rules 9(7) and (8) of the 2013 Rules.

Name: Judge McKeown

Date: 17
October 2024

Attached: Reply Form for Leaseholders

Leaseholder Reply From

Case Reference:
LON/00AN/LDC/2024/0502

Various properties in
Hammersmith & Fulham

ONLY COMPLETE AND RETURN THIS FORM IF YOU OBJECT TO THE APPLICATION

If you do object please complete and return this form to:

The First-tier Tribunal Property Chamber (Residential Property) **by email** to:
London.RAP@justice.gov.uk

And send a copy to the landlord's representative
Mr John Sharland Address: Town Hall, King Street, London W6 9JU

Email address: john.sharland@lbhf.gov.uk

	Yes	No
Have you sent a statement in response (as per direction 2) to the landlord?	<input type="checkbox"/>	<input type="checkbox"/>
Do you wish to request an oral hearing?	<input type="checkbox"/>	<input type="checkbox"/>
Name address of any spokesperson or representative appointed for the leaseholder:		

Please also complete the details below:

Date:	
Signature (can be digital):	
Print Name:	
Address of affected property:	
Your correspondence address (if different):	
Telephone:	
Email:	