



**HM Courts
& Tribunals
Service**

**Property Chamber
Southern Residential Property
First-tier Tribunal**

Havant Justice Centre, The Court House, Elmleigh Road, Havant, Hampshire, PO9 2AL
Telephone: 01243 779394
Facsimile: 0870 739 5900
E-mail: rpsouthern@hmcts.gsi.gov.uk
DX:

Direct Line:

Curo Places
The Maltings
River Place
Lower Bristol Road
Bath
Avon
BA2 1EP

Your ref:
Our ref: CHI/00HA/LDC/2018/0050

Date: 21 June 2018

Dear Sirs

RE: Landlord & Tenant Act 1985 - Section 20ZA)

PREMISES: [REDACTED]

I am writing to acknowledge receipt of your recent application in respect of the above address. The application was received on 18 June 2018.

I also acknowledge receipt of your cheque / Postal Order in the sum of £100.

Attached is a copy of our service standards. Our guidance on procedure booklet can be viewed on our website: <https://www.gov.uk/housing-tribunals>. If you would prefer a hard copy, please let me know.

I enclose the Tribunals Directions.

Yours faithfully


**Mrs Nicola Paterson
Case Officer**



PROPERTY CHAMBER SERVICE AND STANDARDS

You are entitled

- to courtesy and helpfulness from tribunal judges and members, and from HMCTS staff;
- to be treated without discrimination;
- to expect your case to be treated impartially and with fairness to both sides;
- to state your case in writing or at a hearing;
- to have the same documents as the other party;
- to a decision and the reasons for the decision, which will be sent to you in writing.

General standards

- We aim to provide clear, straightforward information about our service, including where to go and what to do if you need help.
- If you telephone to request forms we will respond within two days.
- If you wish to inspect the register of members' interests, we will make an appointment for you to look at it at the relevant office.
- If your hearing is delayed we will keep you regularly informed.
- We will tell you about your rights to appeal.

Telephone standards

- We aim to answer the telephone between the hours of 9am and 5pm, Monday to Thursday and 9am and 4.30pm on Friday.
- We will deal with the query if we can; if we cannot, we will pass you on to the appropriate person or section.
- We will tell you whom we are transferring you to.
- If we need to find papers or files, we will offer to ring you back.
- We will offer to take a message if the correct person is unavailable and ask them to call you back.

To help you

- user-friendly guidance is available on our procedures and jurisdictions; these are available on our website: <https://www.gov.uk/housing-tribunals>; please note that HMCTS staff can only offer information, not legal advice, about your case;
- pro bono legal advice schemes are available in some areas, and in some types of case, we offer a mediation service.

Special requirements

If you, or anyone coming to a tribunal with you, have a disability or a particular need, we can make reasonable adjustments to help you use our service. You should contact the office dealing with your case as soon as possible to discuss your requirements with them.

We can provide the following:

- Foreign language and sign language interpreters at the tribunal hearing;
- Accessible offices for people with disabilities. If necessary, we will move the location of a case in order to provide these.

If written material is required in a language other than English, or in a more accessible format (eg large print, or Braille) then a request should be made to the HMCTS office administering your case.

In return, we ask you

- to give us accurate information;
- to be courteous to our staff, judges and members; please note that we do not tolerate offensive or discriminatory behaviour or language;
- to quote your case reference number on all correspondence, once your application has been made;
- if you change your address or representative, to inform us in writing immediately;
- to attend the tribunal on the day fixed for your hearing.

Complaints

The leaflet Unhappy with our service – what can you do? sets out how you can complain about any aspect of our administration, and is available from the HMCTS office that is administering your case.

Any complaint concerning a judge or tribunal member will be dealt with under The Judicial Conduct (Tribunals) Rules 2014 and should be sent to the Regional Judge for the region in which your case is being dealt with, within three months of the latest event or matter complained of.

Please note that we cannot consider any complaint about a decision made by the Tribunal, since this can only be dealt with by way of a formal appeal to the Upper Tribunal.



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

Case Reference : CHI/00HA/LDC/2018/0050

Property : [REDACTED]
& various other properties in Bath
(as listed in the attached schedule)

Applicant : Curo Places Limited

Representative : ---

Respondent : The lessees

Representative : ---

Type of Application : To dispense with the requirement to
consult lessees about major works

Tribunal Member(s) : Judge P J Barber

Date of Directions : 20th June 2018

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

IMPORTANT NOTES ON DIRECTIONS

- (1) They are formal Orders made to assist the parties and the Tribunal in dealing with the application swiftly and economically.
- (2) They **must be complied with**. Failure to comply may result in the Tribunal refusing to hear the defaulting party's case and ordering that party to pay costs.
- (3) If a party wants to alter the directions or propose new ones the party must immediately apply to the Tribunal with a copy to the other party giving full reasons and, if possible, obtain the consent of the other party to the amendment.
- (4) Documents upon which the parties wish to rely should be sent by post or hand delivered. Other documents may be sent by email but attachments will not be accepted unless permission has previously been given by the Tribunal.
- (5) No communications should be sent to the Tribunal unless a copy is also sent to the other party and this is so marked on each communication.
- (6) A party requires the Tribunal's permission before calling expert evidence.
- (7) The Tribunal may decline to hear evidence which is not provided in accordance with the directions below.
- (8) If the Tribunal considers it necessary for the proper determination of the matter it may at any time order that an oral hearing is held. The parties will be given sufficient time to prepare themselves for any such hearing.

Background

1. The Applicant seeks dispensation under Section 20ZA of the Landlord and Tenant Act 1985 from the consultation requirements imposed on the landlord by Section 20 of the 1985 Act.
2. The Applicant explains that dispensation from consultation is sought in respect of multiple qualifying long term agreements ("QLTAs") to be entered into by it, for the bulk purchase of gas and electricity for the period 1st October 2018 to 30th September 2021, with provision to extend for a maximum of a further two years. The Applicant broadly submits that it would not be possible to comply with consultation requirements, since its proposed purchasing mechanism would require it to secure energy prices at very short notice to secure the most advantageous terms.

3. The only issue for the Tribunal is whether or not 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

4. The application is to be determined on the papers **without a hearing in accordance with rule 31 of the Tribunal Procedure Rules 2013** unless a party objects in writing to the Tribunal within 28 days of the date of receipt of these directions.
5. If an oral hearing is required it will take place in a period of 6 weeks commencing 3 weeks after receipt of the bundles referred to below on a date and at a location to be notified.
6. The Tribunal will notify the parties of its decision in the period of six weeks following receipt of the bundle or the oral hearing whichever is the later.
7. **Immediately** on receipt of these directions the **Applicant** shall send them together with a copy of the application to each Respondent and shall by 29th June 2018 confirm to the Tribunal that this has been done.

The leaseholders' position

8. **As soon as possible** but not later than 6th July 2018 the Respondent(s), either jointly or individually, should complete the attached form, and return it to the Tribunal, with a copy to the Applicant indicating whether:

- you agree or disagree with the application (whole or in part)
- you wish to remain as a Respondent
- You wish to name a spokesperson
- You wish the Tribunal to hold a hearing

(You do not need to go into detail on the case until later – see below)

Note; Those parties not returning the attached form and those agreeing to the application will be removed as Respondents to the application.

The Applicant's case

9. The application shall stand as the Applicant's case.

The leaseholders' case

10. Any Respondent who opposes the application shall by 20th July 2018 send to the Applicant:
 - A statement setting out why they oppose the application
 - Representations as to whether it may be appropriate for the Tribunal to grant dispensation 'on terms'. Such terms could include, but are not limited to:
 - An offer of reduction of service charge costs
 - Payment of the Respondent's reasonable legal/professional costs incurred in these proceedings
 - Evidence of what they may do/have done differently if the Applicant were or had to comply with the full statutory consultation process
 - Copies of all documents to be relied upon **not** already included in the Applicant's bundle
11. The Applicant may, if so advised, file any reply to any objection including any documents or witness statements they wish to rely upon by 27th July 2018.

Documents for the hearing / determination

12. The Applicant must prepare a bundle agreed between the parties and containing all of the documents either party considers relevant to the dispute and previously exchanged. Each page must be numbered sequentially and, so far as possible, be in date order. At the front of the bundle will be an index of the documents the bundle contains.
13. The bundle shall contain copies of:
 - The application with documents enclosed
 - These directions and any subsequent directions
 - The Applicant's statement of case
 - The Respondents' statement of case
 - Any representations on terms from either party
 - The date and circumstances on which it first became apparent that the works became necessary
 - A copy of any consultation documents so far provided (e.g. notice of intent)
 - Details of any quotations received, with specification if available
 - Details of any responses so far received from leaseholders on the works and/or on dispensation from consultation
 - Any risk assessments/professional reports
 - Any other relevant documents (including reports) upon which the Applicant wishes to rely
 - Any notices served by the local authority or any other statutory body

14. Only those documents sent in the bundle are likely to be before the Tribunal at the full hearing and parties should not send documents 'piecemeal' to the case officer.
15. The Applicant shall send one copy to each party remaining as a Respondent and three copies to the Tribunal by 3rd August 2018.

Form for Respondents

Case Reference: CHI/00HA/LDC/2018/0050

Premises: 10 Blagdon Park, Whiteway, Bath. BA2 1PQ

Please return this form to the Tribunal as soon as possible but at the latest by
6th July 2018

Return address: First Tier Tribunal (Property Chamber), Residential Property,
Havant Justice Centre, The Court House, Elmleigh Road, Havant, Hants PO9
2AL

And send a copy to the Applicant's representative:

Email: christopher.cox@curo-group.co.uk

	Yes	No
I/We agree with the application (whole or in part)		
I/We will send written representations to the Applicant by 20 th July 2018		
I/We agree that the Tribunal may decide the matter on the basis of written representations only (no hearing).		
I/We wish to remain as a Respondent		
Name and address of any spokesperson or representative appointed for the Respondent:	<div>.....</div> <div>.....</div> <div>.....</div> <div>.....</div>	

Signed:

Print name:

Date:

Flat number:

Telephone number(s):

Email address: