



HM Courts
& Tribunals
Service

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

Havant Justice Centre, Elmleigh Road, Havant, Hampshire, PO9 2AL
Telephone: 01243 779394
Facsimile: 0870 739 5900
E-mail: rpsouthern@justice.gov.uk

Mr Oliver Woodcock
c/o Tenant Direct
14 New Road
Southampton
Hampshire
SO14 0AY

Your ref:
Our ref: CHI/00MS/HMF/2020/0023

Date: 14 September 2020

BY POST

Dear Mr Woodcock

RE: Housing Act 2004 - Section 72(1)

PREMISES: 5 Cedar Gardens, Southampton, Hampshire, SO14 6TG

The Tribunal has received an application under the above legislation and you are named as the respondent.

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>.

Enclosed are Directions issued by the Tribunal Judge.

Kindly refer to the attached statement which highlights the Tribunal Rules and Procedure (amended August 2020) that must be adhered to throughout the process.

**ALL CORRESPONDENCE TO THE TRIBUNAL MUST BE SENT
ELECTRONICALLY AS ATTACHMENTS TO: rpsouthern@justice.gov.uk
PLEASE UTILISE THE ATTACHED GENERIC APPLICATION
AND ENSURE THAT THE OTHER PARTY IS COPIED IN.
EMAILS SENT WITHOUT ATTACHMENTS WILL NOT BE ACCEPTED.**

Yours sincerely

**Mrs Paula Cooper
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/00MS/HMF/2020/0023

Property : 5 Cedar Gardens, Southampton SO14 6TG

Applicant : Mark Wilson

Representative : Justice for Tenants
Email: rro@justicefortenants.org

Respondent : Oliver Woodcock

Representative : -

Type of Application : Application for a rent repayment order by
Tenant
Sections 40, 41, 42, 43 & 45 of the Housing
and Planning Act 2016

Tribunal Member : Judge E Morrison

Date of Directions : 14 September 2020

DIRECTIONS

This is a formal order of the Tribunal which must be complied with by the parties.

The Tribunal Judge directs that the parties must comply with the Statement on Tribunal Rules and Procedure issued August 2020 and the Guidance on PDF bundles dated August 2020, which are enclosed with these directions.

Due to the Covid 19 pandemic, communications to the Tribunal MUST be made by email to rpsouthern@justice.gov.uk. All communications must clearly state the Case Number and address of the premises.

Email addresses and service of documents

1. The Respondent shall on receipt of the application and these directions do the following:
 - i) write to the Tribunal, electronically if possible, acknowledging receipt;
 - ii) provide a suitable email address to the Tribunal and the Applicant for the service of documents (which the Respondent shall do whether, or not, the Applicant included an email address on the application form); or
 - iii) if not in possession of an email address and unable to obtain one, inform the Tribunal accordingly.
2. Documents to be sent by one party to another shall be sent electronically to the email address provided, unless the receiving party requests a paper copy.

Background

1. On 1 September 2020 the Tribunal received an application under section 41 of the Housing and Planning Act 2016 (the Act) from the Applicant tenant for a rent repayment order (RRO) against the Respondent landlord. The amount claimed is £5083.00 for the period 1 July 2019 – 1 July 2020.
2. The Applicant states that the property in question was an HMO subject the additional licensing scheme operated by Southampton City Council which came into force on 1 October 2018. The Respondent landlord did not apply for a license until 5 September 2019.
3. It is unclear to the Tribunal why the Applicant is applying for repayment of rent paid after 5 September 2019. It is also noted that there is one tenancy agreement for all three tenants and this is not itself evidence that the property was occupied by persons who do not form a single household or that the Local Housing Authority considered that a licence was required while the Applicant was in occupation.

4. The Tribunal has sent the Respondent a copy of the application with supporting documents.
5. The Tribunal will decide (a) whether to make a rent repayment order and, if so, (b) for what amount.

DIRECTIONS

6. The hearing shall take place remotely by video on **17 November 2020** at 10.00 am.
7. The parties will be informed in due course of how to join by video.
8. The Applicant must pay the Tribunal a hearing fee of £200.00 by no later than **20 October 2020**. If a hearing fee is not paid the application is deemed withdrawn.

What the Applicant is required to do next

9. By **5 October 2020** the Applicant shall send to the Respondent:
 - (i) A signed and dated statement with a statement of truth (i.e. "I believe that the facts stated in this witness statement are true"). setting out all aspects of the Applicant's case and grounds relied on, to include the matters noted at paragraph 3 above.

The Tribunal draws the attention of the Applicant to section 49 of the Housing and Planning Act 2016 which requires the Local Authority to help tenants in making applications for rent repayment orders.

- (ii) Any additional documents relied on.

How the Respondent should prepare for the hearing

10. The Respondent is urged to seek independent legal advice.

By **26 October 2020** the Respondent shall send to the Applicant:

- (i) A signed and dated statement with a statement of truth (i.e. "I believe that the facts stated in this witness statement are true") which sets out each aspect of its case including a response to the points made by the Applicant
 - (ii) Evidence of the amount rent received in the period, if the Applicant's evidence is disputed;
 - (iii) Evidence of financial circumstances including any outgoings, such as utility bills, paid by the landlord for the let property during the period;

- (iv) A statement as to any circumstances that could justify a reduction in the amount of any rent repayment order (see explanation below);
- (v) A copy of all correspondence relating to any application for a licence and any licence that has now been granted;
- (vi) Any other documents relied on.

The Applicant's right of reply

- 11. By **2 November 2020** the Applicant may send to the Respondent a brief statement in reply to the Respondent's case.

Witness statements

- 12. If either party intends to rely on the evidence of any person (other than a person who has signed the statements of case referred to above), a witness statement setting out what that person says must be prepared. Witness statements should identify the name and reference number of the case, have numbered paragraphs, end with a statement of truth and be signed and dated. If there is an oral hearing witnesses are expected to attend the hearing to be cross-examined as to their evidence, unless their statement has been agreed by the other party.

THE STATEMENTS OF CASE MUST BE IN PDF AND MUST COMPLY WITH THE GUIDANCE ON PDF BUNDLES DATED 27 JULY 2020.

Documents for the hearing

- 13. The Applicant shall be responsible for preparing a bundle of relevant documents, the contents of which should be agreed by the parties, and shall by **9 November 2020** send one copy to the other party and send one copy (electronically) to the Tribunal.
- 14. **THE BUNDLE MUST BE IN PDF AND MUST COMPLY WITH THE GUIDANCE ON PDF BUNDLES DATED AUGUST 2020.**
- 15. If the hearing bundle is not sent to the Tribunal by the said date or not in the required format, the hearing will be cancelled and the fee forfeited. The Applicant will have to apply for reinstatement of the hearing.
- 16. The Tribunal will only consider the documents in the bundle. Parties should not send documents piecemeal to the case officer.

17. The bundle shall contain copies of:
- The application with accompanying documents
 - The Directions
 - All statements of case
 - All witness statements
 - All relevant documents relied upon by either party.

Explanation of the Tribunal's jurisdiction to make a Rent Repayment Order

1. The **issues** for the Tribunal to consider include:

Whether the Tribunal is satisfied beyond a reasonable doubt that the landlord has committed one or more of the following offences:

	<i>Act</i>	<i>Section</i>	<i>General description of offence</i>
1	Criminal Law Act 1977	s.6(1)	violence for securing entry
2	Protection from Eviction Act 1977	s.1(2), (3) or (3A)	unlawful eviction or harassment of occupiers
3	Housing Act 2004	s.30(1)	failure to comply with improvement notice
4	Housing Act 2004	s.32(1)	failure to comply with prohibition order etc.
5	Housing Act 2004	s.72(1)	control or management of unlicensed HMO
6	Housing Act 2004	s.95(1)	control or management of unlicensed house
7	Housing and Planning Act 2016	s.21	breach of banning order

Or has a financial penalty¹ been imposed in respect of the offence?

- (i) What was the date of the offence/financial penalty?
- (ii) Was the offence committed in the period of 12 months ending with the day on which the application made?
- (iii) What is the applicable twelve-month period?²
- (iv) What is the maximum amount that can be ordered under section 44(3) of the Act?
- (v) Should the tribunal reduce the maximum amount it could order, in particular because of:

¹ s.46 (2) (b): for which there is no prospect of appeal.

² s.45(2): for offences 1 or 2, this is the period of 12 months ending with the date of the offence; or for offences 3, 4, 5, 6 or 7, this is a period, not exceeding 12 months, during which the landlord was committing the offence.

- (a) The conduct of the landlord?
 - (b) The conduct of the tenant?
 - (c) The financial circumstances of the landlord?
 - (d) Whether the landlord has been convicted of an offence listed above at any time?
 - (e) Any other factors?
2. The parties are referred to The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 for guidance on how the application will be dealt with.

Important Note: Tribunal cases and criminal proceedings

If an allegation is being made that a person has committed a criminal offence, that person should understand that any admission or finding by the Tribunal may be used in a subsequent prosecution. For this reason, he or she may wish to seek legal advice before making any comment within these proceedings.

XXXXX

Application by Tenant or Local Housing Authority for a Rent Repayment Order Housing and Planning Act 2016

It is important that you read the notes below very carefully before you complete this form.

This is the correct form to use if you are (or were) a tenant of a residential property where a landlord has committed an offence to which Chapter 4 of Part 2 of the Housing and Planning Act 2016 applies and you wish to apply to the Tribunal for a rent repayment order under sections 41(1) and 41(2) of the Act.

This is also the correct form if you are a local housing authority where a landlord has committed an offence to which Chapter 4 of Part 2 of the Housing and Planning Act 2016 applies and, having given notice of intended proceedings, you wish to apply to the Tribunal for a rent repayment order under sections 41(1) and 41(3) of the Act.

Please note you should NOT use this form if the application relates to an offence under s72(1) or 95 (1) of the Housing Act 2004 committed before 6 April 2017 or is a continuing offence first committed before 6 April 2017, unless the offence continues after 5 April 2018.

IMPORTANT NOTE: The application must be made not later than 12 months after the date of the alleged offence.

A fee is payable for this application (see section 10 for Help with Fees).

Applications should be sent as a Microsoft Word document by email to the relevant regional tribunal address shown in the Annex to this form. You must also send by email the appropriate documents listed in section 10 of this form. If you cannot access email or find someone to assist you in lodging your application by email, then a paper application will be acceptable although there may be a delay in dealing with this. Sending an application on paper will not be suitable in urgent cases.

You can now pay the fee (if applicable) by an on-line banking payment or by cheque/postal order enclosed with the application form. To request that you should be sent details for paying by on-line banking please tick this box ☒ (See Annex to this form for regional office contact details).

Please make sure a copy of the application is served on the other party/parties to the application. If you are unable to serve a copy on the other party/parties, please bring this to the tribunal's attention in the covering email or if sending by post in a covering letter.

Please do not send any other documents. When further evidence is needed, you will be asked to send it in separately.

If you have any questions about how to fill in this form, the fee payable, or the procedures the Tribunal will use please contact the appropriate regional office.

If you are completing this form by hand please use BLOCK CAPITAL LETTERS.

1. DETAILS OF APPLICANT (S)

Name: Mark Wilson

Address (including postcode):

23 Somerville Close, Wokingham, RG41 4SW

Address for correspondence (if different from above):

Telephone:

Day:

Evening:

Mobile:

Email
address:

Fax:

Representative name and address, and other contact details: Where details of a representative have been given, all correspondence and communications will be with them until the Tribunal is notified that they are no longer acting for you.

Name: Justice For Tenants

Reference no. (if any)

REF 8727

Address (including postcode):

76 Gordon Road, EN2 0PZ

Telephone:

Day:

0741040085

Mobile:

Email
address:

rrc@justicefortenants.org

Fax:

2. ADDRESS (including postcode) of SUBJECT PROPERTY

5 Cedar Gardens, Southampton, SO14 6TG

3. BRIEF DESCRIPTION OF PROPERTY (e.g. 2 Bedroom flat in converted house with 6 flats)

3-bedroom, 1-storey terraced house.

4. DETAILS OF RESPONDENT (S)

Name:

Address (including postcode):

c/o Tenant Direct, 14 New Road, Southampton, SO14 0AY – Serving address for Oliver Woodcock on the Applicant's tenancy contract.
52 Silo Drive, Godalming, GU7 3NX – Address for Oliver Woodcock on the Land Registry title deed for the Property

Address for correspondence (if different from above):

Telephone:

Day:

Evening:

Mobile:

Email
address:

Fax:

Representative name and address, and other contact details: Where details of a representative have been given, all correspondence and communications will be with them until the Tribunal is notified that they are no longer acting for you.

Name:

Reference no. (if any)

Address (including postcode):

Telephone:

Day:

Mobile:

Email
address:

Fax:

Note: This form asks the applicant to provide the details of parties to the application. Additionally, the Tribunal needs to know the names and addresses of other people who may be significantly affected by the application such as other tenants or occupiers in the building. Please provide a list of the names and addresses of any such person(s). If this is not possible or is impractical, then a written statement should be provided with this application.

5. OTHER APPLICATIONS

Are you, or have you been involved in any other Housing and Planning Act 2016 application to the Tribunal or are you aware of any other application involving the same respondent or property as in this application? If so, please give details including the case reference number and the date of the decision (where relevant):

No ☒

6. CAN WE DEAL WITH YOUR APPLICATION WITHOUT A HEARING?

If the Tribunal thinks it is appropriate, and all the parties and others notified of their right to attend a hearing consent, it is possible for your application to be dealt with entirely on the basis of written representations and documents and without the need for parties to attend and make oral representations. ('A paper determination').

Please let us know if you would be content with a paper determination if the ☒ Yes ☐ No Tribunal thinks it appropriate.

Note: Even if you have asked for a paper determination the Tribunal may decide that a hearing is necessary. Please complete the remainder of this form on the assumption that a hearing will be held. Where there is to be a hearing, a fee of £200 will become payable by you when you receive notice of the hearing date.

7. AVAILABILITY

If there are any dates or days we must avoid during the next four months (either for your convenience or the convenience of any witness or expert you may wish to call) please list them here.

Dates on which you will NOT be available:

Dependent on CoronaVirus. Remote hearings or written determination are welcome.

8. VENUE REQUIREMENTS

Please provide details of any special requirements you or anyone who will be coming with you may have (e.g. the use of a wheelchair and/or the presence of a translator):

Applications handled by the London regional office are usually heard in Alfred Place, which is fully wheelchair accessible. Elsewhere, hearings are held in local venues which are not all so accessible and the case officers will find it useful to know if you or anyone you want to come to the hearing with you has any special requirements of this kind.

9. GROUNDS FOR MAKING THE APPLICATION

Chapter 4 of Part 2 of the Act confers power on the Tribunal to make a rent repayment order where a landlord has committed an offence to which the Chapter applies. The offences are; violence for securing entry eviction or harassment of occupiers; failure to comply with an improvement notice; failure to comply with a prohibition order; control or management of an unlicensed HMO; control or management of an unlicensed house; and breach of a banning order.

The Tribunal may make a rent repayment order if satisfied beyond reasonable doubt that a landlord has committed an offence (whether or not the landlord has been convicted).

Please give the grounds for making the application and details of the amount of repayment sought

This application is being made under s 41 of the Housing and Planning Act 2016 for the offence of Having control of, or managing, an unlicensed HMO, under Part 2 s.72(1) Housing Act 2004 which is an offence under s. 40(3) of the Housing and Planning Act 2016.

Part 2, s. 55(b) and s. 56 of the 2004 Act permits local authorities to designate the area of their district or an area within their district as subject to additional licensing provided that certain criteria (detailed in Part 2, Section 57-58 of The Housing Act 2004) are met.

The rented property was situated within an additional licensing area as designated by Southampton City Council. The additional licensing scheme came into force on 1st October 2018 and will cease to have effect on the 30th September 2023. The additional HMO licensing designation applies to all HMOs which are not subject to Mandatory HMO licensing under s 55(2)(a) of the Housing Act 2004 in the council wards of Bevois, Bargate, Portswood and Swaythling.

The Property was licensable under this designation as follows:

1. The Property was an HMO in accordance with the conditions of the standard test detailed in s.254 of the Housing Act 2004:
 - a) it was a single unit of living accommodation, which wasn't a self contained flat, which was occupied by persons who do not form a single household
 - b) the living accommodation occupied by these persons was their only or main residence
 - c) their occupation of the Property constituted the only use of that accommodation
 - d) rents were payable in respect of the occupants occupation of the Property
 - e) two or more of the households who occupied the Property shared one or more basic amenities.
2. The Property was situated in the prescribed area of Southampton City Council. The Property was situated within the Bevois ward as can be seen by the attached Electoral Calculus Data and data from Southampton City Council's ward map.
3. The Property was not subject to any statutory exemptions from HMO licensing detailed in Schedule 14 of the Housing Act 2004.
4. The Property was not subject to mandatory HMO licensing under s.55(2)(a) of the Housing Act 2004.

An application for a license for the Property was not made until 8th September 2019. Evidence of this is attached in the correspondence between Southampton City Council and Mark Wilson.

The amount of rent applied for is £5,085.00 for the period of 01/07/2019 – 01/07/2020.

Mark Wilson did not receive Housing benefit or Universal Credit rent contributions for this property.

SECTION 9, CONTINUED

The Respondent listed is Mr Oliver Woodcock, who is the Landlord named on the Applicant's tenancy contract as well being the Freeholder of the Property as per the attached Land Registry Title deed.

As per the Upper Tier Tribunal decision (Case No: RRO/7/2019) the owners of the property can be listed as a Respondent.

Please find attached the following in support of the application:

1. A copy of the tenancy contract
2. A spreadsheet highlighting rental payments made within the period of the breach
3. Proof of rent payments
4. A copy of the land registry proof of ownership of the subject property
5. Proof of the licensing breach
6. Electoral Calculus Data, showing the Property to be situated within the Bevois ward of Southampton City Council.
7. Data obtained from Southampton City Council's Ward Map, showing the Property to be situated within the Bevois ward of Southampton City Council.

10. CHECKLIST

Please check that you have completed this form fully. The Tribunal will not process your application until this has been done. Please ensure that the following are enclosed with your application and tick the appropriate box to confirm:

- If you are a tenant, evidence that you have paid periodical payments (e.g. rent) in respect of occupation of the premises during the period in which it is alleged that such an offence has been committed. ☒
- If you are a local Housing Authority:
 - (i) evidence that universal credit or housing benefit has been paid for rent in respect of occupation of the premises during the period in which it is alleged that such an offence has been committed. ☐
 - (ii) A copy of the notice of intended proceedings under section 42
- A copy of the written agreement covering the occupancy of your property ☒
Or
If you do not have a written agreement, please set out in box 11 below the main terms of your agreement.

EITHER

A crossed cheque or postal order made out to HM Courts and Tribunal Service for the application fee of £100 (if applicable) is enclosed. Please write your name and address on the back of the cheque or postal order. Please also send a paper copy of your application with your cheque or postal order, regardless of whether you have already emailed the application. ☒

OR

You have ticked the box at the top of this form to say you want the relevant regional tribunal office to send you details on how to pay the application fee of £100 by on-line banking. The unique payment reference the tribunal office supplies MUST be used when making your on-line banking payment.

DO NOT send cash under any circumstances. Cash payment will not be accepted.

Please note where there is to be a hearing, a fee of £200 will become payable by you when you receive notice of the hearing date.

Help with Fees

If you think you may be entitled to a reduced fee, the guide EX160A 'Apply for help with court, tribunal and probate fees' outlines how you can submit an application for Help with Fees.

You can submit your Help with Fees application online at www.gov.uk/help-with-court-fees or by completing the form EX160 'Apply for help with fees'. You can get a copy of the 'Apply for help with fees' form online at www.gov.uk/government/publications/apply-for-help-with-court-and-tribunal-fees or from your regional tribunal office.

If you have completed an online application for Help with Fees please enter the reference number you have been given here.

H	W	F	-																
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If you have completed form EX160 'Apply for Help with Fees' it must be included with your application.

The 'Apply for help with fees' form will not be copied to other parties.

11. COMPLETE IF NO WRITTEN AGREEMENT

If you do not hold a written agreement which cannot be enclosed with this application, please set out in the box below the main terms of your agreement i.e. the start date (or date of occupancy if different), length of term of agreement, amount of rent paid, period of rental payments eg. weekly or monthly and any notice conditions.

12. STATEMENT OF TRUTH

The statement of truth must be signed and dated.

I believe that the facts stated in this application are true.

Signed:

M. Wilson

Dated:

28/8/20

ANNEX: Addresses of Tribunal Regional Offices

**FIRST TIER TRIBUNAL (RESIDENTIAL PROPERTY)
SOUTHERN REGION**

STATEMENT ON TRIBUNAL RULES AND PROCEDURE

THIS STATEMENT MUST BE ADHERED TO BY PARTIES TO APPLICATIONS

1. Contact with the Tribunal

- 1.1. All contact with the Tribunal should be by email at rpsouthern@justice.gov.uk. Applications, documents, and requests for information should be sent as **attachments to an e-mail**.
- 1.2. If you are unable to access the internet or have no computer please write to the Tribunal at First-tier Tribunal (Residential Property), Havant Justice Centre, Elmleigh Road, Havant, PO9 2AL or phone between the hours of 10.00am to 1 pm on Telephone: 01243 779394 to seek guidance.

2. Legal Advice

- 2.1. The Tribunal is not able to give legal advice about your case. Details of bodies who may be able to help are set out in the attached advice list.

3. Application to Commence Proceedings

- 3.1. All applications should be made on the prescribed form which can be found on <https://www.gov.uk/courts-tribunals/first-tier-tribunal-property-chamber>.
- 3.2. The forms can be downloaded and completed in Word. Please attach the completed form to an email addressed to rpsouthern@justice.gov.uk. Please send the **Word version** not a PDF.
- 3.3. Please provide **your email address and that of the other party** in the Application form.
- 3.4. Please note that you are required to send the Application to the other party.
- 3.5. **Unless there is good reason applications will only be accepted if they are sent electronically.**
- 3.6. **All attachments to the Application should be in Word Format or PDF. If the copy of the lease is not in Word or PDF, a copy should be obtained from the HM Land Registry for which a fee will be charged.**

4. Directions of the Tribunal

- 4.1. Directions are **formal Orders** made to assist the parties and the Tribunal in dealing with the application swiftly and economically.
- 4.2. 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.

- 4.3. If a party wants to alter the directions or propose new ones the parties **can agree the change provided it does not affect the date for delivery of hearing bundles and the date fixed for hearing.** The parties must **inform the Tribunal** of their agreement by means of a letter attached to an email.
- 4.4. If the parties **do not agree to the change to directions** or the proposed change to directions affects the date for receipt of hearing bundles or the hearing date the applying party must make an **application using the prescribed form** which can be obtained on <https://www.gov.uk/government/publications/ask-the-first-tier-tribunal-property-chamber-for-case-management-or-other-interim-orders> and serve that application on the other side. The Tribunal will not consider an application to vary directions unless it is on a prescribed form AND made **no later than 2 working days** before the date of the event in question (i) unless exceptional circumstances apply AND (ii) an application has been served on the other side by email.
- 4.5. If a party wishes to seek the **sanctions** of the Tribunal for alleged breach of directions it must do so on a prescribed form (see link above) which must be served on the other party.
- 4.6. Any application made for sanctions, unless marked as urgent and containing reasons for the urgency, must be served on the other party at least 3 days in advance of the application to the Tribunal, in order that the other party has an opportunity to provide a response ahead of the application being considered by a Judge. The party applying must provided to the Tribunal any response received when submitting the application.

5. Correspondence with and Applications to the Tribunal

- 5.1. The Tribunal cannot respond to general correspondence and cannot make directions/orders **without formal application.**
- 5.2. There cannot be private communication with a Tribunal Judge or a Member about a case and any letters to the Judge/Member will be copied to all other parties.
- 5.3. The Tribunal will not accept applications and correspondence by e-mail unless it as an attachment to an e-mail sent to the generic email address rpsouthern@justice.gov.uk .
- 5.4. **Any application must be made on the prescribed form.** The Tribunal will not accept emails in place of the prescribed form.
- 5.5. Where the parties are exchanging documents or correspondence between themselves, they are entitled to send them by email provided no party objects. The Tribunal should **not** be copied in to this email correspondence.

6. Service of Documents by the Tribunal

- 6.1. The Tribunal will send documents to the parties and any other correspondence to the parties by email. If no email address is provided for a Respondent, the Tribunal will ask the Applicant to serve the Respondent and provide proof of service
- 6.2. The Tribunal and each party will assume **the email address given in the Application form remains the address to which documents should be sent** until notification by email is given to the contrary

6.3. The parties have the obligation to inform the Tribunal of **changes of email addresses**.

7. Decisions on the Papers

- 7.1. The parties are entitled to request for the application to be dealt with on the papers without a hearing.
- 7.2. Equally the Tribunal may decide to determine the application on the papers. The parties can refuse to consent to a determination on the papers by making an objection in writing within a prescribed period of time. If the matter, however, is urgent and it is in the interests of justice the Tribunal can override the parties' objections to a paper determination.
- 7.3. The Tribunal can make provisional decisions on the papers without the consent of the parties.
- 7.4. The Tribunal carries out a review of all cases to be dealt with on the papers and may decide at any time it is necessary for the proper determination of the matter for a hearing to be held. The parties will be given sufficient time to prepare themselves for any such hearing.

8. Hearings

- 8.1. A hearing means an oral hearing and includes a hearing conducted in whole or in part by telephone or by video.
- 8.2. All hearings are held in public unless a direction is given that it should be in private. If it held in private the hearing will be recorded so far as is reasonably practicable.
- 8.3. All lists of hearings should be displayed in the public area.
- 8.4. If a party has difficulties attending a hearing by video they must inform the Tribunal straightaway, so that arrangements can be made for the party to participate by other means.
- 8.5. **Once a hearing date has been fixed no adjournment will be considered unless exceptional circumstances apply.**
- 8.6. If a party wishes to put forward exceptional circumstances for an adjournment it must do so on the prescribed form together with evidence supporting exceptional circumstances which shall include copies of medical certificates if illness is relied upon. The party applying for the adjournment or his representative may be required to attend the hearing either in person or by telephone to make the application.
- 8.7. The Tribunal is entitled to proceed with the hearing in the absence of a party who does not attend after being notified of the hearing.

9. Hearing Bundles

- 9.1. The hearing bundle contains the documents that the parties rely on to support their case before the Tribunal.

- 9.2. The directions will specify which of the parties is required to prepare and send by email the bundles to the other party.
- 9.3. Unless directed otherwise the bundle shall be a PDF bundle and adhere to the “Guidance on PDF bundles” which is attached.
- 9.4. There may be occasions when the Tribunal does not direct a hearing bundle but require the parties to provide each other and the Tribunal with statements of case. The statement of case should be paginated and be in Word rather than PDF.
- 9.5. IF THE HEARING BUNDLE IS NOT IN THE PRESCRIBED FORMAT IT WILL BE SENT BACK AND THE PARTY ASKED TO RESUBMIT IT.

10. Inspections

- 10.1. Due to the current public health emergency there will be no internal inspections of property.
- 10.2. The Tribunal may arrange a drive by of property or an external inspection. The Tribunal may also view the property on the internet.
- 10.3. If the condition of the property is salient to the issues of the property, the parties have permission to include photographs in their evidence which should be in a separate bundle and may include narrative commentary on their contents.

11. Representatives

- 11.1. If a party appoints a representative the party must send or deliver to the Tribunal by email and to each other party written notice of the representative’s name and address.
- 11.2. Where the Applicant has completed an application form which contains a signed statement of truth and gives a name of a representative, the application form will constitute good notice of the representative’s name and address.
- 11.3. Where a representative is appointed the Tribunal and the other party will send all documentation to the Representative at the address given in the written notice.

12. Witness Statements (where directed)

- 12.1. Witness statements should identify the name and reference number of the case, have numbered paragraphs and end with a statement of truth (i.e. “I believe that the facts stated in this witness statement are true”) and the signature of the witness. Original witness statements should be brought to the hearing. In addition, witnesses are expected to attend the hearing to be cross-examined as to their evidence, unless their statement has been agreed by the other party.

13. Expert Witnesses (where directed)

- 13.1. No party may adduce expert evidence without the permission of the Tribunal.
- 13.2. Expert evidence is to be given in a written report.
- 13.3. The written report must contain:

- 13.3.1. confirmation that the expert understands his/her duty to help the Tribunal on matters within the expert's expertise and this duty overrides any obligation to the person from whom the expert has received instructions or by whom the expert is paid"
- 13.3.2. contains the words "I believe that the facts stated in this report are true and that the opinions expressed are correct",
- 13.3.3. comply with the requirements of any practice directions as regard its form and contents.
- 13.3.4. that the expert is not acting under a conditional fee agreement or that the expert's fee does not depend on the value determined by the Tribunal.
- 13.3.5. be signed by the expert.

14. Fees

- 14.1. Fees can be paid electronically details of which are on the application form.
- 14.2. If fees are not paid the application or hearing will not proceed.

15. Withdrawal

- 15.1. If a party wishes to withdraw an application s/he must give written notice by email to the Tribunal on the prescribed form found at <https://www.gov.uk/government/publications/ask-the-first-tier-tribunal-property-chamber-for-consent-to-withdraw-an-application> which must be:

- 15.1.1. signed and dated
- 15.1.2. Identify the case or part of the case withdrawn
- 15.1.3. State whether anything else remains to be determined
- 15.1.4. Confirm that a copy has been sent to the other side(s)
- 15.1.5. and state when done
- 15.1.6. Include the written consent of the other party(ies) who have consented to the withdrawal.

- 15.2. Notice of withdrawal will not take effect unless the Tribunal consents to the withdrawal.

Regional Tribunal Judge Tildesley OBE
Date of Issue 3 August 2020

LIST OF ADVICE AGENCIES

FTT (PROPERTY CHAMBER)

- **Lease**, Fleetbank House, 2-6 Salisbury Square, LONDON EC4Y 8JX
TEL: 0207 832 2500
Park Homes Advice TEL: 0207 832 2525
EMAIL: INFO@LEASE-ADVICE.ORG
WEB: WWW.LEASE-ADVICE.ORG
- **Upper Tribunal (Lands Chamber)** 5th Floor, Rolls Building, 7 Rolls Buildings, Fetter Lane, LONDON EC4A 1NL
TEL: 0207 6129710 FAX: 0207 6129723
EMAIL: LANDS@JUSTICE.GOV.UK K/TRIBUNAL/LANDS
WEB: WWW.JUSTICE.GOV.UK/TRIBUNAL/LANDS
- **Shelter**
Telephone advice line on 0808 800 4444 (open 365 days of the year.)
WEB: england.shelter.org.uk/
- **Valuation office agency:** Network support office Wycliffe House, Green Lane, Co Durham DH1 3UW
TEL: 0300 0037 100
- **Independent park homes owners Association.** IPHAS 17 LITTLE WITCOMBE COURT PARK GREEN LANE WITCOMBE GLOUCESTER GL3 4TZ
TEL: 0800 612 8938
EMAIL: info@iphas.co.uk
- **Park homes owners justice campaign**
WEB: www.parkhomeownersjusticecampaign.co.uk
- **National Association of Caravan Owners (NACO)**
WEB: www.nacoservices.com
- **National Association of Park Home Residents**
TEL: 01746 768287
EMAIL: membershipnaphr@yahoo.co.uk WEB: www.naphr.co.uk
- **Federation of Private Residents Associations** PO Box 10271, Epping CM16 9DB
TEL: 0871 200 332
- **Pro Bono support** is available through the College of Law at Guildford who run the Brighton Leasehold Advice Clinic. University of Law, Braboeuf Manor, Portsmouth Road, St.Catherines, Guildford GU3 1HA
TEL: 01483 216865 FAX: 01483 454133
(Catchment area is roughly 15 miles from Brighton.)

Or University of Portsmouth
TEL: 02392 844114
EMAIL: advice@port.ac.uk

- **National Landlords Association** 2nd Floor, 200 Union Street, London SE1 0LX
Head Office TEL:020 7840 8900 Advice Line TEL: 020 7840 8939

GENERAL

- **Law Centres** You can find your local Law Centre through the Law Centres Network website.
<http://www.lawcentres.org.uk/>
- **Citizens Advice** have centres available throughout the country and may be able to provide advice on your housing issue. Visit their website to find your local centre and their contact details:
<https://www.citizensadvice.org.uk>
- **You can find a Solicitor** through the Law Society directory: <http://solicitors.lawsociety.org.uk/>
- **You can contact a Barrister** directly through the direct access portal:
<http://www.directaccessportal.co.uk/search/1/barrister>
- LawWorks maintains a list of services including Law Centres and other free Legal Advice Clinics that may be able to provide you with support.
Please visit www.LawWorks.org.uk

Applications and requests for case management or other interim orders

The Tribunal Procedure First-Tier Tribunal (Property Chamber) Rules 2013

It is important that you read the notes below carefully before you complete this form.

This is the form to use if you want to ask a tribunal judge to consider a procedural matter.
A procedural matter could be (but is not limited to) one of the following:

- An application to amend/vary/extend the tribunal's directions
- An application to postpone a hearing
- An application to debar evidence from another party
- An application to join proceedings

Please do not use this form to request consent to the withdrawal of an application or to apply for permission to appeal as separate forms are available for those purposes.

Please also note that the tribunal cannot give legal advice, so please do not use this form if you are seeking legal advice.

There is a separate form if you are making an application to withdraw a case.

If you are completing this form by hand please use BLOCK CAPITAL LETTERS.

1. TRIBUNAL'S CASE REFERENCE NUMBER

Case Ref:

2. ADDRESS OF PROPERTY

3. YOUR NAME

4. RELATIONSHIP TO CASE (ie Applicant, Applicant's representative, Respondent, Respondent's Representative)

5. IF YOU ARE THE REPRESENTATIVE PLEASE ADD NAME OF COMPANY (ie name of solicitors, property/managing agent etc)

Name:

6. BRIEF DESCRIPTION OF THE APPLICATION OR REQUEST AND THE ORDER THAT YOU WISH THE TRIBUNAL TO MAKE (ie postponement, extend/vary/amend directions, debar evidence)

7. GROUNDS/REASONS FOR APPLICATION OR REQUEST

8. AVAILABILITY IF THE TRIBUNAL DECIDE TO DEAL WITH THIS BY MEANS OF A CONFERENCE CALL

If the Tribunal decides to deal with this by means of a conference call, are there any dates/times to avoid in the next ten working days?

Dates on which you will NOT be available:

9. STATEMENT OF TRUTH

The statement of truth must be signed and dated.

I believe that the facts stated in this application are true.

Signed:

Dated:
