

# Application for the dispensation of all or any of the consultation requirements provided for by section 20 of the Landlord and Tenant Act 1985

Section 20ZA of the Landlord and Tenant Act 1985

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

This is the correct form to use if you want to ask the Tribunal to dispense with all or any of the consultation requirements set out in section 20 of the Landlord and Tenant Act 1985 and in the Service Charges (Consultation Requirements)(England) Regulations 2003.

**Please send your completed application form together with the documents listed in section 13 below and any application fee payable, to the appropriate regional Tribunal office.** (See the Annex to this form for regional office details). Please note that fee changes were made on 1 July 2013 in respect of all applications made on or after that date. The new fees are set out in this form. **Please do not send any other documents.** If and 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 call the regional office.**

## 1. DETAILS OF APPLICANT(S) (if there are multiple applicants please continue on a separate sheet)

Name:

Address (including postcode):

Address for correspondence (if different from above):

Telephone:

Day:

Evening:

Mobile:

Email address:

Fax:

Capacity (e.g. landlord/management company):

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.

**2. ADDRESS (including postcode) of SUBJECT PROPERTY (if not already given)**

14,082 leaseholder are affected by the elctiricity contract and 752 leaseholders are affected by the gas contract. A list of the relevant addresses is attached.

**3. BRIEF DESCRIPTION OF BUILDING (e.g.2 bedroom flat in purpose built block of 12 flats)**

Various types of properties across the Borough including flats and maisonettes in tower blocks and low rise blocks and some houses. The properties range in size from studio flats to 5 bedroom units

**4. DETAILS OF RESPONDENT (S) (if there are multiple respondents, please continue on a separate sheet)**

Name:

Address (including postcode):

Address for correspondence (if different from above):

Telephone:

Day:

Evening:

Mobile:

Email address:

Fax:

Capacity (e.g. tenant):

**Note:** If this is an application by a landlord, then usually all tenants liable to pay a service charge for the costs in question should be joined as respondents. If tenants are not joined in this way, the landlord should provide the Tribunal with a list of the names and addresses of service charge payers. If this is not possible or is impractical, then a written explanation must be provided with this application.

If you are the landlord/management company making the application please omit, if known, the telephone/fax numbers and email address of the respondent(s) when completing Box 4 and include them on a separate sheet. This is because the application form may be copied by the tribunal to other appropriate persons (e.g. other service charge paying leaseholders in the building or development).

## 5. DETAILS OF LANDLORD (if not already given)

Name:

Address (including postcode):

Telephone:

Day:

Evening:

Mobile:

Email address:

Fax:

## 6. DETAILS OF ANY RECOGNISED TENANTS' ASSOCIATION (if known)

Name of Secretary

Address (including postcode):

Telephone:

Day:

Evening:

Mobile:

Email address:

Fax:

## 7. DISPENSATION SOUGHT

Applicants may seek a dispensation of all or any of the consultation requirements in respect of either qualifying works or long-term agreements.

Does the application concern qualifying works?

Yes

No

If Yes, have the works started/been carried out?

Yes

No

Does the application concern a qualifying long-term agreement?

Yes

No

If Yes, has the agreement already been entered into?

Yes

No

For each set of qualifying works and/or qualifying long-term agreements please

complete one of the sheets of paper entitled '**GROUNDS FOR SEEKING DISPENSATION**'

## 8. OTHER APPLICATIONS

Do you know of any other cases involving either: (a) related or similar issues about the management of this property; or (b) the same landlord or tenant or property as in this application?  Yes  No

If Yes, please give details

In 2009, 2010 and 2012 the Applicant made applications when they entered into the framework agreement which is the subject of this application. The Tribunal's decisions - LON/00BJ/LDC/2009/0021, LON/00BJ/LDC/2010/0017 and LON/00BJ/LDC/2012/0061 - are exhibited to the witness statement of Mr Hussein El Bahrawy.

## 9. 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 Tribunal thinks it appropriate.  Yes  No

**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 £190 will become payable when you receive notice of the hearing date.

## 10. TRACK PREFERENCES

We need to decide whether to deal with the case on the Fast Track or the Standard Track (see Guidance Note for an explanation of what a track is). Please let us know which track you think appropriate for this case.  Fast Track  Standard Track

Is there any special reason for urgency in this case?  Yes  No

If Yes, please explain how urgent it is and why:

The Contracts which are the subject of this application must be renewed by October 2016. The application must be determined as soon as possible to allow the Council to place the contract in time.

### Note

The Tribunal will normally deal with a case in one of three ways: on paper (see section 10 above) or 'fast track' or 'standard track'. The fast track is designed for cases that need a hearing but are very simple and will not generate a great deal of paperwork or argument. A fast track case will usually be heard within 10 weeks of your application. You should indicate here if you think your case is very simple and can be easily dealt with. The standard track is designed for more complicated cases where there may be numerous issues to be decided or where for example, a lot of documentation is involved. A standard track case may involve the parties being invited to a Case Management Conference which is a meeting at which the steps that need to be taken to bring the case to a final hearing can be discussed.

## 11. AVAILABILITY

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

Please list the dates on which you will NOT be available:

23 June 2016  
4, 21 and 22 July 2016  
1 to 26 August 2016

## 12. 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):

None.

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.

### 13. CHECKLIST

Please check that you have completed this form fully. The Tribunal will not process your application until this has been done and it has the following documents together with the application fee (if applicable).

A copy of the lease(s).

A statement that service charge payers have been named as respondents or a list of names and addresses of service charge payers

A crossed cheque or postal order for the application fee (if applicable) is enclosed.

Amount of fee enclosed  Please put your name and address on the back of any cheque you send.

**DO NOT send cash under any circumstances. Cash payment will not be accepted and any application accompanied by cash will be returned to the applicant.**

#### Note

The amount of the application fee will depend on the number of dwellings to which the application relates. To find out how much you will need to pay you should consult the following table (to check when we have SI):

Number of dwellings to which application relates	Application Fee
5 or fewer dwellings	£190
Between 6 and 10 dwellings	£315
More than 10 dwellings	£440

**Fees should be paid by a crossed cheque made payable to, or a postal order drawn in favour of HM Courts and Tribunals Service.**

#### Fee Remission

If you believe you may qualify for a fee remission when applying to the First-tier Tribunal (Property Chamber) Residential Property, the combined booklet and application form 'EX160A Court and Tribunal Fees - Do I have to pay them?' gives all the information you need. You can get a copy online at [hmctsformfinder.justice.gov.uk](http://hmctsformfinder.justice.gov.uk). The form must be included with your application.

If you are making several applications at the same time, even if you are using different application forms or the applications relate to different parts of the Tribunal's jurisdiction, you do not have to pay a separate fee for each application. The overall fee will be the biggest of the fees payable for each application on its own.

### 14. STATEMENT OF TRUTH

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

Signed:



Dated:

26/05/16

(MARIA ELISABETH ROBERTS)

## GROUNDS FOR SEEKING DISPENSATION

**Please use the space below to provide information mentioned in section 7 of this form.**

You will be given an opportunity later to give further details of your case and to supply the Tribunal with any documents that support it. At this stage you should give a clear outline of your case so that the Tribunal understands what your application is about. Please continue on a separate sheet if necessary.

1. Describe the qualifying works or qualifying long-term agreement concerned, stating when the works were carried out or planned to be carried out or in the case of a long-term agreement, the date that agreement was entered into or the proposed date it is to be entered into.

The Applicant is seeking a rolling dispensation from the consultation requirements of s.20 of the Landlord and Tenant Act 1985 which apply to the procurement of energy contracts for gas and electricity. The Council is already part of the framework agreement to supply gas and electricity. The contracts are due to be renewed in October 2016 and the dispensations already given by the Tribunal in June 2009, June 2010 and August 2012 must also be extended. The Council will continue to be a partner in a framework agreement which has been developed by Local Authority South East Region (LASER).

2. Describe the consultation that has been carried out or is proposed to be carried out.

No consultation has yet been carried out. The Applicant will send a letter to all leaseholders setting out details of the application and informing them that a copy of the application with all the relevant documents is available on the Council's website and that copies of any of the documents (electronic or hard copies) will be provided on request. The letter will also inform the leaseholders that directions have been made by the Tribunal, that the directions have been published on the Council's website and that any leaseholder may respond to the application with copies of their response also being sent to the Council. Please see attached witness statement of Mr Hussein El Bahrawy.

In the event that the Tribunal considers that the Council should also hold consultation meetings, the Applicant proposes to arrange 4 consultation meetings - 2 in the working day and 2 in the early evening - 1 of each will be arranged in 2 locations in the Borough when the documents will be available for inspection and Council staff will attend to answer any queries. These meetings will also be advertised on the Council's website and the letter sent to all affected leaseholders (referred to above) will advise them of the meetings.

3. Explain why you seek dispensation of all or any of the consultation requirements.

The Applicant seeks a total dispensation of the consultation requirements imposed by s.20 of the Landlord and Tenant Act 1985 (as amended). Given that the fuel procurement process in an increasingly volatile market is such that suppliers submit prices upon the basis that they can be withdrawn at short notice, offers may be available for a few hours only. In order to obtain the best electricity and gas prices the Applicant needs to be able to act within 3 hours. In the circumstances, is it impractical and impossible for the Applicant to comply with the consultation requirements.

Please see the attached witness statement of Mr Hussein El Bahrawy.

## ANNEX: Addresses of Tribunal Regional Offices

### NORTHERN REGION

First Floor, 5 New York Street,  
Manchester M1 4JB

**Telephone:** 0845 100 2614 or 01612 379491  
**Fax:** 0161 237 3656

**This office covers the following Metropolitan districts:** Barnsley, Bolton, Bradford, Bury, Calderdale, Doncaster, Gateshead, Kirklees, Knowsley, Leeds, Liverpool, Manchester, Newcastle-upon-Tyne, Oldham, Rochdale, Rotherham, St. Helens, Salford, Sefton, Sheffield, Stockport, Sunderland, Tameside, Trafford, Tyneside (North & South), Wakefield, Wigan and Wirral.

**It also covers the following unitary authorities:** Hartlepool, Middlesbrough, Redcar and Cleveland, Darlington, Halton, Blackburn with Darwen, Blackpool, Kingston-upon-Hull, East Riding of Yorkshire, Northeast Lincolnshire, North Lincolnshire, Stockton-on-Tees, Warrington and York.

**It also covers the following Counties:** Cumbria, Durham, East Cheshire, Lancashire, Lincolnshire, Northumberland, North Yorkshire and West Cheshire.

### MIDLAND REGION

3<sup>rd</sup> Floor, Temple Court, 35 Bull Street,  
Birmingham B4 6AF

**Telephone:** 0845 100 2615 or 0121 681 3084  
**Fax:** 0121 681 3056

**This office covers the following Metropolitan districts:** Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton.

**It also covers the following unitary authorities:** Derby, Leicester, Rutland, Nottingham, Herefordshire, Telford and Wrekin and Stoke-on-Trent.

**It also covers the following Counties:** Derbyshire, Leicestershire, Nottinghamshire, Shropshire, Staffordshire, Warwickshire and Worcestershire.

### EASTERN REGION

Unit 4C, Quern House, Mill Court  
Great Shelford, Cambridge CB22 5LD

**Telephone:** 0845 100 2616 or 01223 841 524  
**Fax:** 01223 843 224

**This office covers the following unitary authorities:** Bracknell Forest, West Berkshire, Reading, Slough, Windsor and Maidenhead, Wokingham, Luton, Peterborough, Milton Keynes, Southend-on-Sea and Thurrock.

**It also covers the following Counties:** Bedfordshire, Berkshire, Buckinghamshire, Cambridgeshire, Essex, Hertfordshire, Norfolk, Northamptonshire, Oxfordshire and Suffolk.

### SOUTHERN REGION

1<sup>st</sup> Floor, 1 Market Avenue,  
Chichester, PO19 1JU

**Telephone:** 0845 100 2617 or 01243 779 394  
**Fax:** 01243 779 389

**This office covers the following unitary authorities:** Bath and Northeast Somerset, Bristol, North Somerset, South Gloucestershire, Bournemouth, Plymouth, Torbay, Poole, Swindon, Medway, Brighton and Hove, Portsmouth, Southampton and the Isle of Wight.

**It also covers the following Counties:** Cornwall and the Isles of Scilly, Devon, Dorset, East Sussex, Gloucestershire, Hampshire, Kent, Somerset, Surrey, West Sussex and Wiltshire.



**LONDON REGION**

10 Alfred Place,  
London WC1E 7LR

**Telephone:** 020 7446 7700

**Fax:** 020 7637 1250

**This office covers all the London boroughs.**