



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

Case reference	:	LON/00BJ/LDC/2024/0174
Properties	:	Various Properties of The Mayor and Burgesses of the London Borough of Wandsworth
Applicant	:	The Mayor and Burgesses of the London Borough of Wandsworth
Representative	:	The South London Legal Partnership (Ref: L/AGB/2616/25688)
Respondents	:	Various Leaseholders affected by electricity contract, London Borough of Wandsworth
Type of application	:	To dispense with the requirement to consult leaseholders about a long-term agreement for the supply of temporary worker services
Legal Officer	:	Emmanuel Okolo
Date of directions	:	17 July 2024
Amended directions	:	Judge B MacQueen 1 August 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 all/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 gas and electricity.
- (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 given the fuel procurement process in an increasingly volatile market is such that suppliers submit prices on the basis that they can be withdrawn at short notice, offers may be available for a few hours only. To obtain the best electricity and gas prices for its residents, the applicant needs to be able to act within three hours. In the circumstances, it is impractical for the Applicant to comply with consultation requirements imposed by the Act and would therefore prevent the Applicant from obtaining the best possible deal for energy supply. The Applicants seek dispensation from compliance with the consultation requirements in the 2003 Regulations.
- (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.**
- (F) The Tribunal made directions on 17 July 2024 listing the matter for determination during the seven days commencing 21 October 2024, based on the documents submitted to the Tribunal, unless any party requested an oral hearing. On 29 July 2024, the Tribunal received a request from the Applicant for the date the Tribunal makes its determination to be before 30

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

September 2024. This is because they say that the current framework agreement comes to an end on 30 September 2024 and so unless the decision is made before that date the Applicant will have to seek retrospective dispensation.

- (G) The Tribunal has considered this request and whilst it is not prepared to amend the directions to shorten the time that leaseholders who oppose the application have to reply, the Tribunal is prepared to shorten the time that the Applicant has to prepare its final bundle and so enabling the date of determination to be brought forward to the week of 23 September 2024.
- (H) In making these amended directions (shown below in red), the Tribunal is satisfied that there is no prejudice to the Respondents as the amended directions have no impact on the time afforded to them to make representations to the Tribunal.

DIRECTIONS

1. The Applicant landlord must by **14 August 2024**:
 - Write to each of the leaseholders and to any residential sub-lessee and to any recognised residents' association concerned by email, hand delivery or first-class post, setting out the following:
 - (a) Informing them of the application;
 - (b) Advising them that a copy of the application (**excluding** any respondents' telephone numbers or email addresses, or any separate list of respondents' names and addresses), statement of case, supporting documents and a copy of these directions and amended directions of 1 August 2024 will be available on the applicant's website, advising them of the URL address, and notifying them that any response to the application should be made by 04 September 2024;
 - (c) Informing the leaseholders that if they wish to receive a printed copy of the application and these directions and amended directions dated 1 August 2024 they should write to the applicants, who will then send printed copies (again, (**excluding** any respondents' telephone numbers or email addresses, or any separate list of respondents' names and addresses));
 - (d) 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 23 October 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 **18 September 2024**:
 - Complete the attached reply form and send it by email to the tribunal; 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.
3. The Applicant landlord must by **20 September 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;
 - 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, if they request one, a paper copy of the bundle;
 - 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 seven days commencing **23 September 2024** based on the documents.
5. However, any party may request a hearing. Any such **request should be made by as soon as possible**, 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:
 - 1) Follow the guidance provided in the Guidance Note for Parties: Giving Evidence from Abroad, which can be **obtained from the Tribunal's case officer.**
 - 2) Notify the Tribunal by email to London.Rap@justice.gov.uk, within 5 working days of receipt of these Directions, to confirm that you or your witness intends to apply to give evidence from abroad, confirming:
 - (a) the matters set out in paragraph 7 of the Guidance Note, **and**
 - (b) the witness's citizenship or permitted residence status in the country in question.

Failure to follow the Guidance is likely to result in you or your witness being unable to give oral evidence from abroad.

7. The tribunal will send a copy of its eventual decision to the representative of every represented leaseholder and to any unrepresented leaseholders, who have completed and returned the reply form attached to these directions.
8. Furthermore, the Applicant must either send a copy of the tribunal's decision and appeal rights to all leaseholders, or 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.

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>

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 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: Emmanuel Okolo (Legal Officer)
Judge Bernadette MacQueen

Date: 17 July 2024
1 August 2024

Attached: Reply Form for Leaseholders

Case Reference:	LON/00 BJ/LDC/2024/0174
Property:	Various Properties of The Mayor and Burgesses of the London Borough of Wandsworth

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 The South London Legal Partnership (Ref: L/AGB/2616/25688). Merton Civic Centre, London Road, Morden, SM4 5DX

Email address: Audrey.Graham-Bolt@merton.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:	