



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

**Case reference** : **LON/00BJ/LDC/2020/0056**

**Applicant** : **The Mayor and Burgesses of the  
London Borough of Wandsworth**

**Respondents** : **Various Leaseholders**

**Property** : **Various Leasehold Properties in  
the London Borough of  
Wandsworth**

**Date of Directions** : **12 May 2020**

**Judge/Chair** : **Mrs H C Bowers**

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**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.**

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**IMPORTANT – COVID 19 ARRANGEMENTS**

- Due to the Covid-19 pandemic the London Regional office of the tribunal at 10 Alfred Place is closed until further notice. Judges and staff are working remotely. Neither face-to-face hearings nor property inspections are taking place. Where possible and appropriate, determinations are being made based on documents provided by parties in digital bundles. If a hearing is required, the tribunal will seek to accommodate this through the use of audio or video conferencing technology.
- 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](mailto:London.RAP@justice.gov.uk). The attachment size limit is 10MB. If your attachments are larger than 10MB they must be split over several emails.
- **If a party does not have access to the Internet and/or cannot prepare digital documents, they should contact the case officer about alternative arrangements.**

- Parties are notified that, due to the pandemic and office closure, it is likely to take longer than usual for the tribunal to respond to correspondence. Please do not chase for a response unless truly urgent.

### **Background to the Application**

- A.) The Applicant, the Mayor and Burgesses of the London Borough of Wandsworth (Wandsworth), has applied for dispensation from the statutory consultation requirements in respect of a qualifying long-term agreement for the procurement of gas and electricity. The contracts will impact approximately 670 leaseholders on the gas contract and nearly 14,000 leaseholders with the electricity contract and relate to various leasehold properties in the London Borough of Wandsworth. The application is said to be urgent, as Wandsworth is required to enter into a new contract by 1 October 2020.
- B.) The only issue for the Tribunal is whether it is reasonable to dispense with the statutory consultation requirements as set out in the Landlord and Tenant Act 1985 (the 1985 Act). **This application does not concern the issue of whether any service charge costs will be reasonable or payable.**
- C.) The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 give guidance on how the application will be dealt with.

### **DIRECTIONS**

1. The tribunal will determine this application during the fourteen days commencing **27 July 2020** based on written representations.
2. However, any party may make a request to the tribunal that a hearing should be held. Any such **request for a hearing should be made by 15 June 2020**, giving an indication of any dates to avoid. The tribunal will then notify the parties of the hearing date. The hearing will have a time estimate of three hours. If a hearing is requested, it shall take place **on a date to be confirmed** by remote video conferencing making use of the electronic documents received.
3. Full details of the hearing date and how to take part will be sent nearer the time. No specialist software is needed to access the hearing. However, parties will need to have access to a computer, connected to the Internet, with a webcam and microphone, or a similarly enabled smartphone or tablet device. If a party does not have suitable equipment to attend a video conference, it must notify the tribunal promptly, and consideration

will be given to converting the video hearing into an audio hearing, by way of telephone conferencing.

4. The tribunal will not inspect the Property but, where necessary, will rely upon any plan and photographs provided by the parties.
5. The application form and supporting documents will stand as the landlord/applicant's statement of case.

### **Service of Documents**

6. Wandsworth must take the following steps:

- **By 1 June 2020**

- place on a website a copy of the application form with all supporting documentation, including a list of all leaseholders, but excluding any personal data and these Directions and
- send to each of the leaseholders, by email, hand delivery or by first-class post a letter providing details of the website where all the documents relating to the application can be accessed. That letter should also state that if any leaseholder makes a request by **15 June 2020**, to Wandsworth, that they will be sent a copy of the application form with supporting documents, but without a list of the other leaseholders and a copy of these Directions including the reply form. Those documents should be sent by **22 June 2020** to any leaseholder who makes the request.

- **By 3 June 2020**, send an email to the tribunal to confirm that this has been done.

7. Those leaseholders who **oppose** the application shall by **10 July 2020**:

- Complete the attached reply form and send it by email to the tribunal and
- Send to Wandsworth 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.

8. By **24 July 2020**, Wandsworth must email (or send a hardcopy as appropriate) to each of the leaseholders who have sent a reply form in accordance with Direction 7 and to the tribunal at [London.Rap@justice.gov.uk](mailto:London.Rap@justice.gov.uk), a digital indexed and paginated Adobe PDF bundle of all relevant documents for use in the determination of the application. If this is not possible, they should email the documents in Microsoft Word format, in numbered order (i.e. using a prefix of 01, 02, 03, etc). The subject line of the email must read: "**DIGITAL BUNDLE FOR: LON/00BJ/LDC/2020/0056 - Various Properties in the London Borough of Wandsworth**".

9. The bundle must include:
  - (a) the application and accompanying documents;
  - (b) these and any subsequent directions;
  - (c) copies of any replies from the leaseholders.
  
10. Wandsworth shall be responsible for serving a copy of the tribunal's eventual decision on all leaseholders.
  
11. In addition, tribunal will send a copy of its eventual decision on dispensation to the representative of every represented leaseholder and to any unrepresented leaseholders, who have completed and returned the reply form attached to these directions.
  
12. Furthermore, Wandsworth shall place a copy of the tribunal's eventual decision on dispensation together with an explanation of the leaseholders' appeal rights on its website within 7 days of receipt and shall maintain it there for at least 3 months, with a sufficiently prominent link to both on its home page. In this way, leaseholders who have not returned the reply form may view the tribunal's eventual decision on dispensation and their appeal rights on the applicant's website.

### **Attached: Reply Form for Leaseholders**

#### **NOTES**

- a. **Whenever you send a letter or email to the tribunal you must also send a copy to the other parties and note this on the letter or email.**
- b. **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.**
- c. **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").**
- d. **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.**

**Reply Form for leaseholders**

<b>Case Reference:</b> LON/00BJ/LDC/2020/0056
<b>Property:</b> Various Properties in 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) via  
 email [London.RAP@justice.gov.uk](mailto:London.RAP@justice.gov.uk)

**and** email a copy to the landlord/ landlord’s representative via email:  
[s.gibbon@ashfords.co.uk](mailto:s.gibbon@ashfords.co.uk) or by letter to Ashfords LLP, Ashford House, Exeter  
 Business Park, Exeter, EX1 3LH

	Yes	No
Have you sent a statement in response to the landlord?	<input type="checkbox"/>	<input type="checkbox"/>
Do wish to attend 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:**

<b>Date:</b>	
<b>Signature:</b>	
<b>Print Name:</b>	
<b>Address of affected property:</b>	
<b>Your correspondence address (if different):</b>	
<b>Telephone:</b>	
<b>Email:</b>	

