



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

**Case reference** : LON/00AC/LDC/2023/0116

**Applicant** : **Barnet Homes (on behalf of London Borough of Barnet)**

**Representative** : **Judge and Priestley LLP**

**Respondent** : **Various lessees in the London Borough of Barnet**

**Property** : **Various properties in the London Borough of Barnet**

**Tribunal** : **Aita Erewele (Senior Legal Officer)**

**Date of directions** : **23 May 2023**

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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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**Covid-19 Arrangements**

- For the tribunal's current procedures, please see the Guidance for Users at: <https://www.judiciary.uk/wp-content/uploads/2021/02/Guidance-for-Users-February-2021-final.pdf>
- 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 36MB. If your attachments are larger than 36MB they must be split over several emails.
- **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.**

## **Background to the application**

- A. The Applicant/landlord has applied for dispensation from the statutory consultation requirements in respect of a qualifying long-term agreement entered into by the Applicant with Woods Building Services Ltd. The agreement was for the procurement of contractor for specialist asbestos removal.
- B. A leaseholder nominated 4 contractors to be invited to tender. However, due to an administrative error by Barnet Homes, the agreement was entered into without inviting the leaseholder's nominees to tender. The Applicant states that, incidentally, 2 of the leaseholder's nominees submitted tenders in response to the publicly available portal but tendered at a higher price than the chosen contractor.
- C. Consultation was carried out with the leaseholders between December 2021 and September 2022.
- D. 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.**
- E. The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 give guidance on how the application will be dealt with.

## **DIRECTIONS**

### **Service of documents**

1. The Applicant/landlord must take the following steps by **14 June 2023**:
  - 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 (with personal details deleted), statement of case, supporting documents and a copy of these directions 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 **12 July 2023**;
    - c) Informing the leaseholders that if they wish to receive a printed copy of the application and these directions they should write to the applicants, who will then send printed copies (again, with any personal details deleted);

- 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 **11 September 2023**.
- By **23 June 2023** send an email to the tribunal at [London.Rap@justice.gov.uk](mailto:London.Rap@justice.gov.uk) to confirm that this has been done and stating the date(s) when this was done.
2. Those leaseholders and sublessees who **oppose** the application shall by **12 July 2023**:
- Complete the attached reply form and send it **by email** to both the Applicant/landlord and to the tribunal at [London.Rap@justice.gov.uk](mailto:London.Rap@justice.gov.uk); and
  - Send to the Applicant/landlord a statement in response to the application with a copy of the reply form, by email or by post. They should send with their statement copies of any documents upon which they wish to rely.
3. The Applicant/landlord may send to the Respondents/leaseholders a brief reply to any statements in opposition received, by **02 August 2023**.
4. The Applicant/landlord shall then by **16 August 2023**:
- Prepare a single, 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 notify the tribunal's case officer immediately.
  - 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;
  - The bundle should contain:
    - the application form and accompanying documents,
    - these and any subsequent directions,
    - Any statement from the Applicant/landlord to explain the reasons for the application,
    - documents upon which the Applicant/landlord relies,
    - copies of any replies from the Respondents/leaseholders and their evidence **OR** confirmation that there were no responses,
    - specimen copies of their leases, and
    - any relevant correspondence with the tribunal.
  - Also send a copy of the bundle to the tribunal **by email** at [London.Rap@justice.gov.uk](mailto:London.Rap@justice.gov.uk). The subject line must read: "BUNDLE FOR PAPER DETERMINATION: [Property address] [Case number]".

Please check for any rejection of the email, in case the attachment is too large for the outgoing or incoming servers.

### **Determination of the application**

5. The tribunal will determine this application during the seven days commencing **w/c 28 August 2023** based on written representations.
6. 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 16 August 2023**, giving an indication of any dates to avoid. The hearing will have a time estimate of two hours, but either party should notify the tribunal if that time estimate is insufficient.
7. 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:

(a) follow the guidance provided in the **Guidance Note for Parties: Giving Evidence from Abroad** ;

(b) notify the Tribunal by email to [regional shared mailbox] and your allocated case officer, copied to all other parties, 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:

1. the name of the person who intends to give evidence from abroad (if it is you, your full name);
2. the country the person would be giving evidence from;  
and
3. what the evidence would be about.

A copy of the Guidance Note can be provided by the case officer on request. Failure to follow the Guidance is likely to result in you or your witness being unable to give oral evidence from abroad.

8. The Applicant/landlord will be responsible for serving a copy of the tribunal's eventual decision on all leaseholders.
9. In addition, the tribunal will send a copy of its eventual decision on dispensation to the representative of every represented Respondent/leaseholders and to any unrepresented leaseholders, who have completed and returned the reply form attached to these directions.

### **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>	<b>LON/00AC/LDC/2023/0116</b>
<b>Property:</b>	<b>Various properties in the London Borough of Barnet</b>

**ONLY COMPLETE AND RETURN THIS FORM IF YOU OBJECT TO THE APPLICATION**

If you do object please complete and return this form to:

First-tier Tribunal Property Chamber (Residential Property) **by email** to:  
[London.Rap@Justice.gov.uk](mailto:London.Rap@Justice.gov.uk)

**and** send/email a copy to the landlord/applicant or their representative:

Judge and Priestley LLP

Justin House, 6 West Street, Bromley, BR1 1JN

0208 290 0333 / moakley@judge-priestley.co.uk

	Yes	No
Have you sent a statement in response 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:**

<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>	