



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

**Case reference** : **LON/OOAC/LSC/2023/0332**

**Property** : **RTB Properties in Barnet**

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

**Representative** :

**Respondent** : **Leaseholders of RTB Properties in  
Barnet**

**Representative** :

**Type of application** : **An application under section 27A  
Landlord and Tenant Act 1985**

**Tribunal** : **Judge Shepherd  
Judge Dutton**

**Date of Directions** : **15<sup>th</sup> September 2023  
Amended 20 September 2023**

---

**DIRECTIONS**

*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.*

---

|                      |   |
|----------------------|---|
| <b>Full hearing:</b> | The matter will be decided on the <b>papers</b> in the week commencing <b>27<sup>th</sup> November 2023</b> . However, if a hearing is requested, it will be held on <b>11<sup>th</sup> December 2023</b> |
| <b>Inspection:</b>   | The tribunal does not currently consider an inspection of the property is required. However, one will be arranged by the tribunal at the hearing if it considers it necessary                             |

### **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](mailto: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**

- (1) The Applicants wish to alter their method of calculating the management charge for RTB properties. They also wish to change their method for calculating the administration costs for the cost of major works. They want the Tribunal to determine if the estimated management fee for 2024/5 at £186.16 ( based on the new methodology) is reasonable. They also want the Tribunal to determine whether the proposed administration charge to deliver major works at Aeroville NW95JT at £464.94 ( applying the new methodology) is reasonable.
- (2) These directions have been drafted on the papers, without an oral hearing. Either party may therefore apply to the tribunal for a variation of these directions within seven days of today.
- (3) The tribunal has identified the following issues to be determined:
  - Whether the proposed management fee in 2024/25 is reasonable.
  - Whether the proposed administration charge for delivering major works at Aeroville in 2024/25 is reasonable.

1. This case is allocated to the **paper track** (i.e. determination on the basis of written representations). The tribunal will determine the matter during the week commencing **27<sup>th</sup> November 2023** on the basis of the document bundles.
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 13<sup>th</sup> November 2023** in which case a hearing will take place on **11<sup>th</sup> December 2023**, starting at **10:00 am** (details to follow).

### **Preparation for the hearing by both parties**

- ~~3. By **29<sup>th</sup> September 2023** the landlord shall copy their application to every leaseholder in Barnet affected by it. They should provide a short explanatory note in addition to the application along with a form in which leaseholders can express any reasoned objection to the application.~~
3. **By 6 October 2023** the Applicant will send a letter to all relevant lessees notifying them of the application and directing them to the Applicant's website where copies of the application and the Tribunal's directions will be available for viewing and download. The Applicant's solicitors must confirm with the Tribunal, at the same time, that this has been done.

### **The tenant's case**

4. ~~By **13<sup>th</sup> October 2023** any leaseholder who objects to the application must send~~ the completed form referred to above to the landlord .
5. Those lessees who wish to participate and object to the application must send the reply form annexed hereto and details of their objections, with reasons, to Barnet Homes' Solicitor, Judge & Priestley, Justin House, 6 West Street, Kent, BR1 1JN or by e-mail to [litigationsupport@judge-priestley.co.uk](mailto:litigationsupport@judge-priestley.co.uk) **by 27 October 2023**. If you cannot access the documents on the website then telephone 020 8290 0333 or email [litigationsupport@judge-priestley.co.uk](mailto:litigationsupport@judge-priestley.co.uk) to request that copy documents be sent to you by post or email. A copy of the form only should be sent by email to the tribunal.
6. By ~~**27<sup>th</sup> October 2023**~~ **10 November 2023** the landlord shall prepare a short response to any objections received and share the response with leaseholders who have objected.

### **Documents for the hearing/ determination**

7. The **landlord** must prepare a digital, indexed and paginated hearing bundle, in Adobe PDF format, which must be emailed to all leaseholders who object to the application and to the tribunal, at [London.Rap@justice.gov.uk](mailto:London.Rap@justice.gov.uk) by ~~**10<sup>th</sup>**~~ **17 November 2023**. The subject

line of the email must read: “BUNDLE FOR HEARING” followed by the case reference and the address of the Property.

8. The bundle must be a single PDF document. If the bundle is too large to email, use can be made of a secure file sharing website. Only documents previously exchanged by the parties should be included in the hearing bundle. If there is a dispute between the parties regarding the contents of the hearing bundle, a prompt application must be made to the tribunal, by the party wishing to rely upon those documents, seeking the tribunal’s permission to do so. Any such application must be made using form Order 1 and must be accompanied by copies of the documents in question
9. Only those documents sent in bundles are likely to be before the tribunal at the full hearing and parties should not send documents “piecemeal” to the case officer.
10. The bundle shall contain copies of:
  - the application with documents enclosed
  - these directions and any subsequent directions
  - the leaseholders’ objections
  - the landlord’s response.
11. It is essential that the parties include any relevant correspondence to the tribunal within their digital bundle.
12. Any application in respect of reimbursement of fees will be dealt with at the hearing and the parties may wish to make written representations on this and on any section 20C application [and/or paragraph 5A application] made in their statements, or make oral representations at the end of the hearing.

### **Determination**

13. The tribunal will determine the matter during the week commencing **27<sup>th</sup> November 2023** on the basis of the digital bundles provided (i.e. without a hearing) unless a hearing is requested.

### **Applications**

14. Applications for further directions, interim orders, variations of existing directions, or a postponement of the final hearing/determination must be made using form Order 1<sup>1</sup>.

### **Non-Compliance with Directions**

---

<sup>1</sup> 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>

15. 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”).
16. 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:** Judge Shepherd  
Judge Dutton

**Date:** 15<sup>th</sup> September 2023  
20 September 2023

[Response form attached]

|                        |                                 |
|------------------------|---------------------------------|
| <b>Case Reference:</b> | <b>LON/OOAC/LSC/2023/0332</b>   |
| <b>Property:</b>       | <b>RTB Properties in 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:

the landlord's representative Judge & Priestley, Justin House, 6 West Street, Kent, BR1 1JN or by e-mail to [litigationsupport@judge-priestley.co.uk](mailto:litigationsupport@judge-priestley.co.uk) and forward a copy of this form only to the Tribunal by email [London.RAP@justice.gov.uk](mailto:London.RAP@justice.gov.uk)

|  | Yes                      | No                       |
|--|--------------------------|--------------------------|
| At the same time have you sent a statement in response (as per direction 5) 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 (can be digital):</b>                 |  |
| <b>Print Name:</b>                                 |  |
| <b>Address of affected property:</b>               |  |
| <b>Your correspondence address (if different):</b> |  |
| <b>Telephone:</b>                                  |  |
| <b>Email:</b>                                      |  |