



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

Case Reference	: CHI/00HH/LDC/2022/0055
Property	: Various properties within the LiveWest portfolio
Applicant	: LiveWest Homes Limited richard.jeffreys@livewest.co.uk
Representative	:
Respondent	: The Leaseholders
Representative	:
Type of Application	: To dispense with the requirement to consult lessees about major works section 20ZA of the Landlord and Tenant Act 1985
Legal Officer	: Mrs Joanne Grist
Date of Directions	: 10 June 2022

DIRECTIONS

This is a formal order of the Tribunal which must be complied with by the parties.

The parties must comply with the Statement on Tribunal Rules and Procedure issued August 2020 and the Guidance on PDF bundles dated August 2020, which are enclosed with these directions (if not already provided).

Communications to the Tribunal MUST be made by email to rpsouthern@justice.gov.uk. All communications must clearly state the Case Number and address of the premises.

This Order has been made by a Legal Officer. Any party affected by it is entitled to ask for it to be considered afresh by a Judge, by making an application by email to the Tribunal within 14 days after the date of the Directions.

Email addresses and service of documents

1. The Respondent shall on receipt of the application and these directions do the following:
 - i) write to the Tribunal, electronically if possible, acknowledging receipt;
 - ii) provide a suitable email address to the Tribunal and the Applicant for the service of documents (which the Respondent shall do whether, or not, the Applicant included an email address on the application form); or
 - iii) if not in possession of an email address and unable to obtain one, inform the Tribunal accordingly.
 - iv) **if the Respondent wishes to appoint a representative to act on their behalf they must send written authority to the Tribunal.**
2. Documents to be sent by one party to another shall be sent electronically to the email address provided, unless the receiving party requests a paper copy.

Background

3. The Applicant seeks dispensation under Section 20ZA of the Landlord and Tenant Act 1985 from the consultation requirements imposed on the landlord by Section 20 of the 1985 Act.
4. The application was made on 1 June 2022 and relates to 10,304 properties that are managed by the Applicant which receive “*either landlord's communal electricity, lighting or district heating within the LiveWest geographical operating area. There is a mixture of flats, houses and bungalows.*”
5. The Applicant explains that this application concerns a qualifying long-term agreement which has yet to be entered into. Further it states that the agreement that “*LiveWest Homes Limited wishes to enter into [is] for the bulk purchasing of energy on the wholesale energy market. Currently, we purchase the energy on an annual basis and can be at risk of losing out on obtaining the lowest tariffs available via long term agreements. LiveWest Homes Limited will use the services of Inspired Energy PLC to procure the energy supplies.....We intend to enter the energy market as soon as possible if we receive the dispensation with a view to signing a qualifying long term agreement with a supplier(s) to take effect as soon as possible.*”

6. Further detailed representations regarding the reasons for the urgency of the application and why dispensation is sought, together with additional information regarding the consultation process are set out in pages 5 and 8 of the application form.
7. **The only issue for the Tribunal is whether or not it is reasonable to dispense with the statutory consultation requirements. This application is not about the proposed costs of the works, and whether they are recoverable from the leaseholders as service charges. The leaseholders have the right to make a separate application to the Tribunal under section 27A of the Landlord and Tenant Act 1985 to determine the reasonableness of the costs, and the contribution payable through the service charges.**

Hearing

8. The application is to be determined on the papers **without a hearing in accordance with rule 31 of the Tribunal Procedure Rules 2013** unless a party objects in writing to the Tribunal within 14 days of the date of receipt of these directions.
9. If an objection is received, a hearing will take place at Havant Justice Centre, Elmleigh Road, Havant, PO9 2AL on **28th June 2022 at 10.00am (timing is subject to change)**. The hearing is scheduled to last 2 hours. If the parties disagree with the length of the hearing they must notify the Tribunal immediately.
10. The Applicant must supply the Tribunal with a hearing fee of £200.00 as soon as practicable prior to the hearing date. If a hearing fee is not paid the application is deemed withdrawn.

DIRECTIONS

11. **Immediately** on receipt of these directions the **Applicant** shall send them together with a copy of the application to each Respondent and shall by **17 June 2022** confirm to the Tribunal that this has been done. **IF THE APPLICANT FAILS TO INFORM THE TRIBUNAL BY THE SAID DATE THE APPLICATION WILL BE STRUCK OUT WITHOUT FURTHER NOTICE.**

The Applicant's case

12. The application shall stand as the Applicant's case.

The leaseholders' case

13. The Respondents shall by **24 June 2022: -**

Complete the attached reply form and send it to the Tribunal (electronically) and to the Applicant; **and, if they oppose the application;**

- A statement setting out why they oppose the application
- Evidence of what they may do/have done differently if the Applicant were or had to comply with the full statutory consultation process
- Copies of all documents to be relied upon **not** already included in the Applicant's bundle

Note: Those parties not returning the attached form and those agreeing to the application will be removed as Respondents to the application and the Tribunal will not send you a copy of their determination.

14. The Tribunal will determine the Application on the papers received.

Form for Respondents

Case Reference: CHI/00HH/LDC/2022/0055/JS

Premises: Various properties within the LiveWest portfolio

Please return this form to the Tribunal at rpsouthern@justice.gov.uk as soon as possible but at the latest by **8 July 2022**

Also send a copy to the Applicant's representative at the email address shown on the application form: richard.jeffreys@livewest.co.uk

	Yes	No
I/We agree with the application (whole or in part)		
I/We agree that the Tribunal may decide the matter on the basis of written representations only (no hearing).		
Name and address of any spokesperson or representative appointed for the Respondent:	<div>.....</div> <div>.....</div> <div>.....</div> <div>.....</div>	

Signed:

Print name:

Date:

Flat number:

Telephone number(s):

Email address:

**PLEASE USE A SEPARATE SHEET SETTING OUT YOUR
OBJECTIONS TO THE APPLICATION.**