



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

Case Reference : **MAN/00BT/LDC/2019/0022**

Property : **Various residential leasehold properties within Jigsaw Homes Group's portfolio**

Applicant : **Jigsaw Homes Group**

Respondents : **Residential Leaseholders and Tenants**

Type of Application : **Application for an order dispensing with the statutory consultation requirements Landlord & Tenant Act 1985 – Section 20ZA**

Tribunal Judge : **L Bennett**

Date of Directions : **9 December 2019**

DIRECTIONS

PRELIMINARY

Jigsaw Homes Group has applied to the Tribunal for an order dispensing with the consultation requirements contained in section 20 of the Landlord and Tenant Act 1985. Dispensation is sought in respect of a 'qualifying long term agreement' for the amalgamation of the group's existing utility arrangements into one with a single provider.

The Applicant intends to recover costs it incurs under that agreement as service charges from the leaseholders of the Properties in due course. However, the Tribunal is not presently concerned with the question whether the amount of any such anticipated service charges is likely to be reasonable; or, indeed, whether such charges will be payable by the leaseholders. Any leaseholder has the right to make a separate application to the Tribunal in the future to determine such matters.

DIRECTIONS

The following directions are given to enable the Tribunal to deal with the case fairly and justly. The parties must help the Tribunal achieve this by complying with them.

Applicant's case

- (1) Within 21 days of the date of these directions, the Applicant must prepare a bundle of documents relevant to the application and must send a copy of that bundle to each respondent to these proceedings. Three copies of the bundle must be sent to the Tribunal at the same time. In addition, a copy of the bundle should be made available on the Applicant's website. The bundle must include copies of the following documents:
 - these directions;
 - the attached letter from the Tribunal together with the pro forma reply form referred to therein;
 - the Tribunal application form;
 - a statement of case explaining the reasons why the Tribunal should make an order dispensing with the consultation requirements.

Participation by Respondents

- (2) All residential leaseholders of the Properties are respondents to these proceedings and will be bound by the Tribunal's final decision. However, given the large number of respondents in this case, it is recognised that not all of them will wish to play an active part in the proceedings. Consequently, whilst the Tribunal will provide every Respondent with a copy of its final decision in due course, prior communications from the Tribunal or the Applicant will only be copied to those respondents who indicated a wish to receive them. A pro forma reply slip has been provided for this purpose and should be returned to the Tribunal within 14 days of the date of these directions. The Tribunal will then provide the Applicant with a complete list of all participating respondents.

- (3) Notwithstanding the above, any Respondent may, within 14 days of receiving the Applicant's bundle of documents, file with the Tribunal and send to the Applicant a statement of case in reply to the application, identifying matters which are in dispute (if any) and setting out the facts relied upon to support their case. These documents will be regarded as the Respondents' case.

Applicant's Reply

- (4) The Applicant may, within 7 days of receipt of any Respondent's statement, send to that Respondent, and 3 copies to the Tribunal, any further comments that it wishes to make in reply.

Arrangements for the Determination

- (5) There will not be an inspection of the subject properties.
- (6) The Tribunal considers that the matter can be decided on the basis of written evidence without the need for an oral hearing. The determination will take place on, or shortly after 20 January 2020. If at any time before the Tribunal makes its decision a party requests an oral hearing or the Tribunal itself feels that an oral hearing is necessary, a date time and place for a hearing will be notified.

Fees and Costs

- (7) Any Respondent who wants to apply for an order under Section 20C of the Landlord and Tenant Act 1985 that the landlord's costs of dealing with these proceedings shall not be included in a future service charge payable by them or by any other person or persons specified in the Section 20C application, should complete the appropriate application form available at www.gov.co.uk, at least 7 days before either the date in paragraph (6) or the date of any hearing fixed.

General

- (8) Any submissions made in compliance with these directions should be provided in a file where possible, and must include numbered pages and a list of contents. Such submissions must contain copies of every document relied upon.
- (9) Documents in relation to these Directions must be sent by post or by hand delivery only. Documents sent by fax or by email will not be accepted.
- (10) No documents, letters or emails may be sent to the Tribunal unless also sent to the other participating party(ies) to these proceedings. Confirmation that this has been done must be clearly marked on all correspondence.

- (11) A party may apply for another direction amending, suspending or setting aside these directions. Unless made orally during the course of a hearing, any such application must be made in writing and must state the reason for making it.

FAILURE TO COMPLY WITH THE TRIBUNAL'S DIRECTIONS MAY RESULT IN DETRIMENT TO A PARTY'S CASE. FOR EXAMPLE, IT MAY LEAD TO THE TRIBUNAL REFUSING TO HEAR LATE EVIDENCE; TO A PARTY'S CASE BEING STRUCK OUT; AND/OR TO AN ORDER FOR COSTS BEING MADE.