



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

Case Reference : **LON/OOBE/LDC/2023/0074**

Property : **All residential leasehold properties
Managed by the London Borough of Southwark**

Applicant : **London Borough of Southwark
Hsg.homeownership@southwark.go.uk**

Respondents : **All leaseholders**

Application : **Dispensation from consultation
requirements - sections 20 and 20ZA
Landlord and Tenant Act 1985**

Date of Directions : **25 July 2023**

**NOTICE OF HEARING &
FURTHER DIRECTIONS**

NOTICE is hereby given that a remote **Case Management Hearing** (“CMH”) will take place on:

Wednesday, 30 August 2023 at 10.00am

to set a timetable for specific steps to be taken by the parties.

Details of the platform hosting the hearing, together with joining instructions will be sent to the participating leaseholders no later than 16 August 2023.

The background to this case is set out in the council’s application form and the Tribunal’s Directions of 5 May 2023 (as varied by Directions dated 30 June 2023), all of which can be found on the council’s website.

The Tribunal has received responses from 87 respondents so far. Many of the responding leaseholders have indicated a wish to be involved in the proceedings. An important consideration for the Tribunal is how it can best accommodate large numbers of leaseholders wishing to attend the hearing.

A further consideration is how to ensure that the documentation relating to the application is accessible to all the respondents who wish to participate and to ensure that all respondents have the opportunity to engage fully in the proceedings. In particular, those respondents who have difficulty in accessing documentation on-line, and those whose first language is not English or who reside elsewhere than the flats they own.

For the avoidance of doubt the Tribunal wishes to make clear that all respondent leaseholders are entitled to take part in these proceedings, whether or not they have already returned a reply form to the Tribunal office. Leaseholders are however encouraged to work together in groups and to appoint suitable representatives (who need not be lawyers) to make representations on their behalf. Where a group of leaseholders have nominated or appointed a representative, their details and the details of the appointed representative should be sent to the Tribunal for its records. Where a representative has been identified, all subsequent documentation in relation to the case will be sent to them and not to the individual leaseholders.

Many of the leaseholder responses raise issues concerning the reasonableness and payability of the insurance premiums. Leaseholders are reminded that the jurisdiction of the Tribunal is limited to determining this specific application. The only issue the Tribunal can consider on this application is whether it is reasonable to dispense with the statutory consultation requirements. With that limitation in mind leaseholders are asked to consider whether they are content for the Tribunal to consider their written responses, or if they wish to participate in an oral hearing.

Against that background the Tribunal makes the following additional directions:

DIRECTIONS

1. On or before the **2 August 2023**, the council must serve these directions on all leaseholders by uploading an electronic copy to its website.

2. On or before the **11 August 2023**, in addition to preparing and uploading the Bundle (*paragraph 3 of the Directions dated 5 May 2023*), the council must provide to the Tribunal a schedule (in Word format) of all leaseholders who have responded to this application. The schedule should attempt to group together leaseholders of the same block/estate and provide the address of the flat/apartment. The schedule must confirm whether the leaseholder is content with a paper determination or has requested a hearing. The council should include contact details (email addresses) of the leaseholders for use by the Tribunal but may redact personal contact information from any copy of the schedule that is disseminated to the leaseholders. The schedule is required to assist the Tribunal in considering the most appropriate platform to host the CMH.
3. No later than **15 August 2023** any respondent leaseholder who wishes to attend the CMH must notify the council and the Tribunal so that joining details can be sent to them.
4. The CMH is a procedural hearing. Its purpose is only to consider what further directions are necessary and appropriate to bring the council's application to a final hearing. Although the council will be invited to explain its application and there will be an opportunity for leaseholders to make general comments, the Tribunal will not hear any evidence or submissions, or make any final decisions about the council's application. The outcome of the CMH will be that the Tribunal will provide a list of steps that the council and the leaseholders need to take to prepare for the final hearing.
5. Whether or not leaseholders attend the CMH they will have an opportunity to make written representations, give evidence and make submissions at the final hearing which is likely to be in the autumn of 2023.
6. Those attending the CMH may do so in person or may appoint a representative to speak for them (e.g. a member of any residents association, a local councillor, a solicitor or barrister). Alternatively, leaseholders may prefer to submit comments or submissions concerning any directions they wish to propose in writing.
7. Wherever possible leaseholders are encouraged to join with other leaseholders to provide joint submissions.
8. Leaseholders who oppose the application should check Southwark website regularly for further Directions and correspondence from the Tribunal

D Barlow
Deputy Regional Judge
25 July 2023