

Applications and requests for case management or other interim orders

The Tribunal Procedure First-Tier Tribunal (Property Chamber) Rules 2013

It is important that you read the notes below carefully before you complete this form.

This is the form to use if you want to ask a tribunal judge to consider a procedural matter. A procedural matter could be (but is not limited to) one of the following:

- An application to amend/vary/extend the tribunal's directions
- An application to postpone a hearing
- An application to debar evidence from another party
- An application to join proceedings

Applications should be sent as a Microsoft Word document by email to the relevant regional tribunal address shown in the Annex to this form. If you cannot access email or find someone to assist you in lodging your application by email, then a paper application will be acceptable although there may be a delay in dealing with this. Sending an application on paper will not be suitable in urgent cases.

Please do not use this form to request consent to the withdrawal of an application or to apply for permission to appeal as separate forms are available for those purposes.

Please also note that the tribunal cannot give legal advice, so please do not use this form if you are seeking legal advice.

If you are completing this form by hand please use BLOCK CAPITAL LETTERS.

1. TRIBUNAL'S CASE REFERENCE NUMBER

Case Ref:

2. ADDRESS OF PROPERTY

3. YOUR NAME

4. RELATIONSHIP TO CASE (ie Applicant, Applicant's representative, Respondent, Respondent's Representative)

5. IF YOU ARE THE REPRESENTATIVE PLEASE ADD NAME OF COMPANY (ie name of solicitors, property/managing agent etc)

Name:

6. BRIEF DESCRIPTION OF THE APPLICATION OR REQUEST AND THE ORDER THAT YOU WISH THE TRIBUNAL TO MAKE (ie postponement, extend/vary/amend directions, debar evidence)

Directions 1, of 5 May 2023, by N. Sandford (London) & Directions 2, of 30 June 2023, by D. Jackson (Midland) must be the starting point for future case management here.

- Judge Barlow demonstrated apparent bias and accordingly recused herself.

- Recusal is necessary where there is doubt as to bias because it is impossible to tell what is or is not tainted by bias, or when any bias began; recusal requires all involvement of the judge(s) in question to be replaced with new judge(s).

- Judge Barlow directed that the matter should be considered afresh.

- Unusually, Judge Barlow presided over both the CMH and the final hearing and was the author of Directions 3 4 5 6 etc. onwards.

- Both a CMH and final hearing should be held afresh as a result of Judge Barlow's recusal.

The resulting combined "final hearing bundle" format and contents arising from those Directions 3 4 5 6 are affected. We therefore seek a timetable for a fresh CMH by a Southern Panel, to which all leaseholders be invited to participate in. We respectfully suggest that the intended next 'final hearing', be made into the CMH by a small revision to Southern's current (Directions 3a), of 10 June 2024, issued by Regional Judge Whitney (Southern).

7. GROUNDS/REASONS FOR APPLICATION OR REQUEST

The Panel Decision from D Barlow and R Cammidge of 15 May 2024, (on application by those named at Box 3 above), to resuse themselves, included in their Order, (regarding the main application from LBS):

"61. The application for dispensation will be considered afresh by a completely differently constituted Tribunal which has had no prior involvement with this matter. 62. The fresh Tribunal will issue further directions for the future conduct of these proceedings."

8. CONSENT AND NOTIFICATION TO OTHER PARTIES

(a) If all parties **agree** to this application then you must attach a copy of their written consent

(b) If all parties **do not** agree to this application then you must confirm that you have sent them a copy of this application and notify them that they must send a copy of any objection to the tribunal and to the applicant (ie the person/party making this application). Please tick the box to confirm that this has been done?



9. AVAILABILITY IF THE TRIBUNAL DECIDE TO DEAL WITH THIS BY MEANS OF A CONFERENCE CALL

If the Tribunal decides to deal with this by means of a conference call, are there any dates/times to avoid in the next ten working days?

Dates on which you will NOT be available:

10. STATEMENT OF TRUTH

The statement of truth must be signed and dated.

I believe that the facts stated in this application are true.

Signed: C.Barnard B.O'Brien

Dated: 20 June 2024

N Martindale S.Shaw

I have considered the application and various emails received from the parties.

I refuse the application.

Judge Barlow and Mr Cammidge recused themselves from the final hearing. Nothing within the Application or the various emails from the Respondent's leads me to believe that further directions are required or necessary. Directions had been given to enable a final hearing to take place. A hearing bundle has been prepared and the parties are as far as I am aware ready for a final hearing. I see no need to delay this taking place by holding a further case management hearing. Plainly if any party wishes to seek specific further directions or to rely on further evidence then they may make a case management application. This will however be considered against the background that each side has been afforded ample opportunity to put forward its case.

I am not satisfied the Respondents have identified any reason as to why the existing directions should be revisited and what would be gained by the same.

The Respondents appear to suggest further leaseholders may wish to be heard. I direct a copy of this application and my decision should be uploaded on to the Southwark website. Any leaseholder who wishes to be appear at the forthcoming hearing should notify the Tribunal and they may be added to the list of active Respondents.

The parties have now all supplied dates to avoid and the Tribunal will list the hearing on the basis of the same.

Regional Judge Whitney
9th July 2024