

TRIBUNALS JUDICIARY

MICHAEL TILDESLEY OBE REGIONAL JUDGE

February 2019

Dear Sir/Madam

Southern Region of Residential Property Tribunal Changes to Procedures

I am writing to advise that I have changed the procedures for processing and managing applications before the Tribunal which take effect from the 1 February 2019. The changes apply to existing applications as well as new applications and bring the procedures in line with the 2013 Tribunal Procedure Rules.

I have set out the new procedures in the "Statement on Tribunal Rules and Procedure".

There are three principal changes:

- Applications for directions, variation of directions, and sanctions for breach of directions must be made on a prescribed form. The Tribunal will no longer accept applications in the form of an email.
- Applications for withdrawal of applications likewise must be made on a prescribed form.
- The Tribunal will no longer accept service of documents by email unless it is urgent in which case the document and accompanying letter/application can be attached to an email.

I enclose a copy of the Statement on Tribunal Rules and Procedure together with copies of the two application forms.

Yours faithfully

Michael Tildesley Regional Tribunal Judge

First-tier Tribunal (Property Chamber) Residential Property Havant Justice Centre, Court House, Elmleigh Road, Havant PO9 2AL Telephone 01243 779394 Fax 0870 739 5900 Email rpsouthern@justice.gov.uk

FIRST TIER TRIBUNAL (RESIDENTIAL PROPERTY) SOUTHERN REGION

STATEMENT ON TRIBUNAL RULES AND PROCEDURE

THIS STATEMENT MUST BE ADHERED TO BY PARTIES TO APPLICATIONS

1. Correspondence with and Applications to the Tribunal

1.1 The Tribunal cannot respond to general correspondence and cannot make directions/orders without formal application. There cannot be private communication with a Tribunal Judge or a Member about a case and any letters to the judge/member will be copied to all other parties.

1.2 Any correspondence including application forms with the Tribunal must be sent by prepaid post or hand delivered to the Office. The Tribunal will not accept correspondence by e-mail unless where an application is urgent the Tribunal will accept it as an attachment to an e-mail sent to the generic email address rpsouthern@justice.gov.uk.

1.3 Any application must be made on the prescribed form. The Tribunal will not accept emails in place of the prescribed form. A copy of which is enclosed with the guidance.

1.4 Where the parties are exchanging documents or correspondence between themselves they are entitled to send them by email provided no party objects.

1.5 The address of the Tribunal is First-tier Tribunal (Residential Property), Havant Justice Centre, Elmleigh Road, Havant, PO9 2AL.

2. Advice

2.1. The Tribunal is not able to give legal advice about your case. Details of bodies who may be able to help are set out in the attached advice list. (see Useful Links tab)

3. Service of Documents by the Tribunal

3.1 The Tribunal will send documents to the parties by pre-paid post to the address given in the Application form.

3.2 The Tribunal and each party will assume the address given in the Application form remains the address to which documents should be sent until written notification is given to the contrary.

3.3 The parties have the obligation to inform the Tribunal of changes of address which are required to be sent in writing.

3.4 The Tribunal may send a document as an attachment to an email when the matter is urgent.

4. Directions of the Tribunal

4.1 They are formal Orders made to assist the parties and the Tribunal in dealing with the application swiftly and economically.

4.2 They must be complied with. Failure to comply may result in the Tribunal refusing to hear the defaulting party's case and ordering that party to pay costs.

4.3 If a party wants to alter the directions or propose new ones the parties can agree the change provided it does not affect the date for delivery of hearing bundles and the date fixed for hearing. The parties must inform the Tribunal of their agreement.

4.4 If the parties do not agree to the change to directions or the proposed change to directions affects the date for receipt of hearing bundles or the hearing date the applying party must make an application using the prescribed form and serve that application on the other side. The Tribunal will not consider an application to vary directions unless it is on a prescribed form AND made no later than 2 working days before the date of the event in question unless exceptional circumstances apply AND has been served on the other side.

4.5 If a party wishes to seek the sanctions of the Tribunal for alleged breach of directions it must do so on a prescribed form which must be served on the other party.

5. Hearings

5.1 If the Tribunal considers it necessary for the proper determination of the matter it may at any time order that an oral hearing is held. The parties will be given sufficient time to prepare themselves for any such hearing.

5.2 A hearing means an oral hearing and includes a hearing conducted in whole or in part by telephone.

5.3 Once a hearing date has been fixed no adjournment will be considered unless exceptional circumstances apply.

5.4 If a party wishes to put forward exceptional circumstances it must do so on the prescribed form and include copies of medical certificates if illness is relied upon. The party applying for the adjournment or his representative may be required to attend the hearing either in person or by telephone to make the application.

5.5 The Tribunal is entitled to proceed with the hearing in the absence of a party who does not attend after being notified of the hearing.

5.6. Where a party is required to produce document bundles for a hearing, they should have sequential page numbers, an index and put in a file.

6. Inspections (where directed)

6.1 The Tribunal will give written reasonable notice of the date and time of the proposed inspection.

6.2 The Tribunal will expect the parties to make the necessary arrangements for the inspection of the property.

6.3 The Tribunal will inspect the property in the presence of both parties.

6.4 The Tribunal will assume that the parties have given their consent to the inspection unless written notification is given to the contrary by a party.

6.5 If a party refuses consent to the inspection of the property the Tribunal may draw adverse inferences from the refusal.

7. Representatives

7.1 If a party appoints a representative the party must send or deliver to the Tribunal and to each other party written notice of the representative's name and address.

7.2 Where the Applicant has completed an application form which contains a signed statement of truth and gives a name of a representative, the application form will constitute good notice of the representative's name and address.

7.3 Where a representative is appointed the Tribunal and the other party will send all documentation to the Representative at the address given in the written notice.

8. Witness Statements (where directed)

8.1 Witness statements should identify the name and reference number of the case, have numbered paragraphs and end with a statement of truth (i.e. "I believe that the facts stated in this witness statement are true") and the signature of the witness. Original witness statements should be brought to the hearing. In addition, witnesses are expected to attend the hearing to be cross-examined as to their evidence, unless their statement has been agreed by the other party.

9. Expert Witnesses (where directed)

9.1 No party may adduce expert evidence without the permission of the Tribunal.

9.2 Expert evidence is to be given in a written report.

9.3 The written report must contain:

9.3.1 confirmation that the expert understands his/her duty to help the Tribunal on matters within the expert's expertise and this duty overrides any obligation to the person from whom the expert has received instructions or by whom the expert is paid"

9.3.2 contains the words "I believe that the facts stated in this report are true and that the opinions expressed are correct",

9.3.3 comply with the requirements of any practice directions as regard its form and contents.

9.3.4 that the expert is not acting under a conditional fee agreement or that the expert's fee does not depend on the value determined by the Tribunal.

9.3.5 be signed by the expert.

10. Fees

10.1 The Tribunal will not proceed with an application or a hearing unless the correct fees are paid.

10.2 Where a case has started the application will be deemed withdrawn 14 days after the date on which the Tribunal sends to the party a written notification that the fee has not been paid.

11. Withdrawal

11.1. If a party wishes to withdraw an application s/he must give written notice on the prescribed form which must be:

11.2. It must be signed and dated

11.2.1 Identify the case or part of the case withdrawn

11.2.2 State whether anything else remains to be determined

11.2.3 Confirm that a copy has been sent to the other side(s)

11.2.4 and state when done

11.2.5 Include the written consent of the other party(ies) who have consented to the withdrawal.

11.3. Notice of withdrawal will not take effect unless the Tribunal consents to the withdrawal.

CASE REFERENCE

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FIRST-TIER TRIBUNAL PROPERTY CHAMBER (RESIDENTIAL PROPERTY)

**APPLICATION TO VARY DIRECTIONS OR TO SEEK A SANCTION FOR
BREACH OF DIRECTIONS**

INSERT THE FOLLOWING DETAILS

Property and address	
Applicant	
Representative	
Respondent One	
Representative	
Respondent Two	
Representative	

Brief Description of the Application sought and the Order that you wish the Tribunal to make

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Grounds for the Application are as follows

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?

Statement of Truth (Must be Signed and Dated)

I believe that the facts stated in this application are true, and **a copy has been served on the other party**

Signed

Dated

PLEASE PRINT YOUR NAME

CASE REFERENCE

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FIRST-TIER TRIBUNAL PROPERTY CHAMBER (RESIDENTIAL PROPERTY)

APPLICATION TO WITHDRAW A CASE

INSERT THE FOLLOWING DETAILS

Property and address	
Applicant	
Representative	
Respondent One	
Representative	
Respondent Two	
Representative	

The Applicant applies to withdraw the above case because [insert reasons]

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The Applicant confirms that nothing remains to be determined in the above case. [Yes / No]
If no advise which part remains to be determined.

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The Applicant attaches the written consent of other parties who have consented to the withdrawal (**Delete if not applicable**)

Claim No is being dealt with at the same time as the above case and application is made to discontinue the Claim (**Delete if not applicable**)

Statement of Truth (Must be Signed and Dated)

I believe that the facts stated in this application are true, and a copy has been served on the other party on [insert]

Signed

Dated

PLEASE PRINT NAME OF SIGNATORY

TRIBUNAL USE ONLY

The Tribunal consents to the Application to withdraw.

Insert Official Stamp

NOTES

A party may apply in writing to the Tribunal within 28 days of the date of this notice for the case or part of a case to be reinstated.