|  |  |
| --- | --- |
| First-tier Tribunal Property Chamber(Residential Property) | **Ref no.** (for office use only) |
|  |
| **Application for the variation of a lease or leases**Part IV Landlord and Tenant Act 1987 |
| **It is important that you read the notes below carefully before you complete this form.**This is the correct form to use if you want to ask the Tribunal to vary a lease or leases under Part IV of the Landlord and Tenant Act 1987.**A fee is payable for this application (see section 12 for Help with Fees).** The fees are set out in this form.Applications should be sent as a Microsoft Word document by **email** to the relevant regional tribunal address shown in the Annex to this form. You must also send by email **the documents listed in section 12 of 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.  You can now pay the **the fee (if applicable) by an on-line banking payment or by cheque/postal order enclosed with the application form.** **If you want to be sent online banking payment details by email, please tick this box** [ ]   Please make sure a copy of the application is served on the other party/parties to the application. If you are unable to serve a copy on the other party/parties, please bring this to the tribunal’s attention in the covering email or if sending by post in a covering letter.**Please do not send any other documents**. When further evidence is needed, you will be asked to send it in separately. **If you have any questions about how to fill in this form, the fee payable, or the procedures the Tribunal will use please contact the appropriate regional office.** |

|  |
| --- |
| 1. **DETAILS OF APPLICANT(S) (if there are multiple applicants please continue on a separate sheet)**
 |
|  |  |  |
|  | Name: |       |  |
|  |  |  |
|  | Address (*including postcode*): |  |
|  |       |  |
|  |  |  |
|  | Address for correspondence (*if different from above*): |  |
|  |       |  |
|  |  |  |
|  | Telephone: |  |
|  | *Day:* |       | *Evening:* |       | *Mobile:* |       |  |
|  |  |  |
|  | Email address: |       | *Fax:* |       |  |
|  |  |  |  |  |  |
|  |  |  |
|  | Representative name and address, and other contact details: Where details of a representative have been given, all correspondence and communications will be with them until the Tribunal is notified that they are no longer acting for you. |  |
|  | Name: |       |  |
|  |  |  |
|  |  |  |
|  | Reference no. (if any) |       |  |
|  |  |  |  |
|  | Address (*including postcode*): |  |
|  |       |  |
|  |  |  |
|  | Telephone: |  |
|  | *Day:* |       | *Mobile:* |       |  |  |  |
|  |  |  |
|  | Email address: |       | *Fax:* |       |  |
|  |  |  |  |  |

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

**Note:** The Tribunal may copy the application form to other appropriate persons (e.g. other service charge paying leaseholders in the building or development). It would greatly assist the tribunal if all parties who are in agreement with the proposed variation(s) join in the application as applicants*.*

If you do not want your telephone/fax number or email address to be disclosed to other such persons please omit those details from Box 1 and attach them on a separate sheet.

Where details of a representative have been given, all correspondence and communications will be with them until the Tribunal is notified that they are no longer acting.

|  |
| --- |
| 1. **ADDRESS (including postcode) of SUBJECT PROPERTY (if not already given)**
 |
|  |  |  |
|  |       |  |
|  |  |  |

|  |
| --- |
| 1. **BRIEF DESCRIPTION OF BUILDING (*e.g. purpose built block of flats*)**
 |
|  |  |  |
|  |       |  |
|  |  |  |

|  |
| --- |
| 1. **DETAILS OF RESPONDENT(S) the person against whom an applicant seeks determination from the tribunal – this will only be the landlord’s managing agent if they are a party to the lease. If there are multiple respondents, please continue on a separate sheet.**
 |
|  |  |  |
|  | Name: |       |  |
|  |  |  |
|  | Capacity |       |  |
|  |  |  |
|  | Address (*including postcode*): |  |
|  |       |  |
|  |  |  |
|  | Reference no. (if any) |       |  |
|  |  |  |
|  | Address for correspondence (*if different from above*): |  |
|  |       |  |
|  |  |  |
|  | Telephone: |  |
|  | *Day:* |       | *Evening:* |       | *Mobile:* |       |  |
|  |  |  |
|  | Email address: |       | *Fax:* |       |  |
|  |  |  |  |  |  |
|  |  |  |

|  |
| --- |
| 1. **LEASE VARIATION(S) TO BE CONSIDERED BY THE TRIBUNAL**
 |
|  | This form may be used for applications under section 35, 36, 37 and 40 of the Landlord and Tenant Act 1987. |  |
|  | Please provide the following information on the attached sheet entitled **LEASE VARIATION DETAILS** or provide the details in a separate document. |  |
|  | (a) | The date of the lease. |  |
|  | (b) | The relevant terms of the lease, including any previous variation(s). |  |
|  | (c) | A draft of the variation sought. |  |
|  | (d) | The grounds of the claim. |  |
|  |  |  |
|  | Please enclose the following documents with the application form: |  |
|  | (a) | Copies of the relevant lease(s). |  |
|  | (b) | A list of the name and address of every person likely to be affected by the claim and a statement that each of those persons has been served with notice of the application (*see Guidance Note*). |  |
|  |  |  |  |
| **Note**Section 37 of the Landlord and Tenant Act 1987 allows an application to be made:1. In a case where the application is in respect of less than nine leases, all, or all but one of the parties concerned consent to it; or
2. In a case where the application is in respect of more than eight leases, it is not opposed for any reason by more than 10 per cent of the total number of the parties concerned and at least 75% of that number consent to it

When setting out the grounds for an application under section 37, please give details of the number of persons consenting to or opposing the proposed variation together with evidence establishing these numbers. |

|  |
| --- |
| 1. **OTHER APPLICATIONS**
 |
|  |  |  |
|  | Do you know of any other cases involving either: (a) related or similar issues about the management of this property; or (b) the same landlord or tenant or property as in this application? | [ ]  Yes [ ]  No |  |
|  | If Yes, please give details |  |
|  |       |  |
|  |  |
|  |  |  |  |  |

|  |
| --- |
| 1. **LIMITATION OF COSTS**
 |
|  |  |  |
| Some leases allow a landlord to include costs they have incurred in connection with proceedings before a Tribunal (eg. costs of using a professional representative) as part of a service charge. If you want to apply to the Tribunal for those costs to be limited, you need to complete a separate application form – Leasehold 7 (no fee payable). |  |
|  |  |  |  |  |
|  |  |  |  |  |

|  |
| --- |
| 1. **CAN WE DEAL WITH YOUR APPLICATION WITHOUT A HEARING?**
 |
| If the Tribunal thinks it is appropriate, and all the parties and others notified of their right to attend a hearing consent, it is possible for your application to be dealt with entirely on the basis of written representations and documents and without the need for parties to attend and make oral representations. (‘A paper determination’).  |
| Please let us know if you would be content with a paper determination if the Tribunal thinks it appropriate. | [ ]  Yes [ ]  No  |  |
| **Note:** Even if you have asked for a paper determination the Tribunal may decide that a hearing is necessary. Please complete the remainder of this form on the assumption that a hearing will be held. Where there is to be a hearing, a fee of £200 will become payable by you when you receive notice of the hearing date. |
|  |  |  |  |  |

|  |
| --- |
| 1. **TRACK PREFERENCES**
 |
|  | We need to decide whether to deal with the case on the Fast Track or the Standard Track (see Guidance Note for an explanation of what a track is). Please let us know which track you think appropriate for this case. | [ ]  Fast Track[ ]  Standard Track |  |
|  |  |  |  |
|  | Is there any special reason for urgency in this case? | [ ]  Yes [ ]  No |  |
|  | If Yes, please explain how urgent it is and why: |  |
|  |       |  |
|  | **Note**The Tribunal will normally deal with a case in one of three ways: on paper (see section 8 above) or ‘fast track’ or ‘standard track’. The fast track is designed for cases that need a hearing but are very simple and will not generate a great deal of paperwork or argument. A fast track case will usually be heard within 10 weeks of your application. You should indicate here if you think your case is very simple and can be easily dealt with. The standard track is designed for more complicated cases where there may be numerous issues to be decided or where for example, a lot of documentation is involved. A standard track case may involve the parties being invited to a Case Management Conference which is a meeting at which the steps that need to be taken to bring the case to a final hearing can be discussed. |  |
|  |  |  |

|  |
| --- |
| 1. **AVAILABILITY**
 |
| If there are any dates or days we must avoid during the next four months (either for your convenience or the convenience of any expert you may wish to call) please list them here. |
| Please list the dates on which you will NOT be available: |  |
|  |       |  |
|  |  |
|  |  |  |  |  |

|  |
| --- |
| 1. **VENUE REQUIREMENTS**
 |
| Please provide details of any special requirements you or anyone who will be coming with you may have (e.g. the use of a wheelchair and/or the presence of a translator): |
|  |       |  |
|  |  |
| *Applications handled by the London regional office are usually heard in Alfred Place, which is fully wheelchair accessible. Elsewhere, hearings are held in local venues which are not all so accessible and the case officers will find it useful to know if you or anyone you want to come to the hearing with you has any special requirements of this kind.* |

|  |
| --- |
| **12. CHECKLIST** |
| **Please check that you have completed this form fully. The Tribunal will not process your application until this has been done. Please ensure that the following are enclosed with your application and tick the appropriate box to confirm:** |
| A copy of the lease(s). | [ ]  |
| Attach a list of the names and address of persons affected and served with notice of this application and a statement that each of these persons has been served.In an application under section 37 details of the number of persons consenting to or opposing the proposed variation together with evidence establishing these numbers | [ ] [ ]  |
| A draft of the variation(s) sought.**EITHER** | [ ]  |
| A crossed cheque or postal order made out to HM Courts and Tribunal Service for the application fee of £100 (if applicable) is enclosed.  **Please write your name and address on the back of the cheque or postal order.**  **Please also send a paper copy of your application with your cheque or postal order, regardless of whether you have already emailed the application.****OR** You have ticked the box at the top of this form to say you want the relevant regional tribunal office to send you details on how to pay the application fee of £100 by on-line banking. **The unique payment reference the tribunal office supplies MUST be used when making your on-line banking payment.** | [ ]  |
| **DO NOT send cash under any circumstances. Cash payment will not be accepted.****Please note where there is to be a hearing, a fee of £200 will become payable by you when you receive notice of the hearing date.** |
|  |  |  |  |  |  |

**Help with Fees**

If you think you may be entitled to a reduced fee, the guide EX160A ‘Apply for help with court, tribunal and probate fees’ outlines how you can submit an application for Help with Fees.

You can submit your Help with Fees application online at [www.gov.uk/help-with-court-fees](http://www.gov.uk/help-with-court-fees) or by completing the form EX160 ‘Apply for help with fees’. You can get a copy of the ‘Apply for help with fees’ form online at www.gov.uk/government/publications/apply-for-help-with-court-and-tribunal-fees or from your regional tribunal office.

If you have completed an online application for Help with Fees please enter the reference number you have been given here.

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **H** | **W** | **F** | - |  |  |  | - |  |  |  |

If you have completed form EX160 “Apply for Help with Fees” it must be included with your application.

The ‘Apply for help with fees’ form will not be copied to other parties.

|  |
| --- |
| **13. STATEMENT OF TRUTH** |
| **The statement of truth must be signed and dated.****I believe that the facts stated in this application are true.** |
| **Signed:** |       | Dated: |       |  |
|  |  |  |  |  |

|  |
| --- |
| **LEASE VARIATION DETAILS** |
| You will be given an opportunity later to give further details of your case and to supply the Tribunal with any documents that support it. At this stage you should give a clear outline of your case so that the Tribunal understands what your application is about. Please continue on a separate sheet if neceassry. |
| **The application is made under the Landlord and Tenant Act 1987** |  |
|  | [ ]  | Section 35 | [ ]  | Section 37 |  |
|  | [ ]  | Section 36 | [ ]  | Section 40 |  |
|  | The grounds of the claim |  |
|  |       |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |  |
|  | The date and term of the lease(s) |  |
|  |       |  |
|  |  |
|  |  |  |
|  | The relevant terms of the lease(s) |  |
|  |       |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |  |
|  | A draft of the variation sought  |  |
|  |       |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |  |
|  |  |  |

|  |
| --- |
| **ANNEX: Addresses of Tribunal Regional Offices** |
|  | **NORTHERN REGION**HM Courts & Tribunals ServiceFirst-tier Tribunal (Property Chamber) Residential Property, 1st Floor, Piccadilly Exchange, Piccadilly Plaza, Manchester M1 4AH | **Telephone:** 01612 379491**Fax:** 01264 785 128 **Email address**: RPNorthern@justice.gov.uk |
|  | **This office covers the following Metropolitan districts:** Barnsley, Bolton, Bradford, Bury, Calderdale, Doncaster, Gateshead, Kirklees, Knowsley, Leeds, Liverpool, Manchester, Newcastle-upon-Tyne, Oldham, Rochdale, Rotherham, St. Helens, Salford, Sefton, Sheffield, Stockport, Sunderland, Tameside, Trafford, Tyneside (North & South), Wakefield, Wigan and Wirral.**It also covers the following unitary authorities:** Hartlepool, Middlesbrough, Redcar and Cleveland, Darlington, Halton, Blackburn with Darwen, Blackpool, Kingston-upon-Hull, East Riding of Yorkshire, Northeast Lincolnshire, North Lincolnshire, Stockton-on-Tees, Warrington and York.**It also covers the following Counties:** Cumbria, Durham, East Cheshire, Lancashire, Lincolnshire, Northumberland, North Yorkshire and WestCheshire. |
|  | **MIDLAND REGION**HM Courts & Tribunals ServiceFirst-tier Tribunal (Property Chamber) Residential Property, Centre City Tower, 5-7 Hill Street, Birmingham, B5 4UU  | **Telephone:** 0121 600 7888**Fax:** 01264 785 122**Email address**: RPMidland@justice.gov.uk |
|  | **This office covers the following Metropolitan districts:** Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton.**It also covers the following unitary authorities:** Derby, Leicester, Rutland, Nottingham, Herefordshire, Telford and Wrekin and Stoke-on-Trent.**It also covers the following Counties:** Derbyshire, Leicestershire, Nottinghamshire, Shropshire, Staffordshire, Warwickshire and Worcestershire. |
|  | **EASTERN REGION**HM Courts & Tribunals ServiceFirst-tier Tribunal (Property Chamber) Residential Property, Cambridge County Court, 197 East RoadCambridge, CB1 1BADX 97650 Cambridge 3 | **Telephone:** 01223 841 524**Fax:** 01264 785 129**Email address**: RPEastern@justice.gov.uk |
|  | **This office covers the following unitary authorities:** Bracknell Forest, West Berkshire, Reading, Slough, Windsor and Maidenhead, Wokingham, Luton, Peterborough, Milton Keynes, Southend-on-Sea and Thurrock.**It also covers the following Counties:** Bedfordshire, Berkshire, Buckinghamshire, Cambridgeshire, Essex, Hertfordshire, Norfolk, Northamptonshire, Oxfordshire and Suffolk. |
|  | **SOUTHERN REGION**HM Courts & Tribunals ServiceFirst-tier Tribunal (Property Chamber) Residential Property, Havant Justice Centre, The Court House, Elmleigh Road, Havant, Hants, PO9 2AL | **Telephone:** 01243 779 394**Fax:** 0870 7395 900**Email address**: RPSouthern@justice.gov.uk |
|  | **This office covers the following unitary authorities:** Bath and Northeast Somerset, Bristol, North Somerset, South Gloucestershire, Bournemouth, Plymouth, Torbay, Poole, Swindon, Medway, Brighton and Hove, Portsmouth, Southampton and the Isle of Wight.**It also covers the following Counties:** Cornwall and the Isles of Scilly, Devon, Dorset, East Sussex, Gloucestershire, Hampshire, Kent, Somerset, Surrey, West Sussex and Wiltshire. |
|  | **LONDON REGION**HM Courts & Tribunals ServiceFirst-tier Tribunal (Property Chamber) Residential Property, 10 Alfred Place, London WC1E 7LR DX 134205 Tottenham Court Road 2 | **Telephone:** 020 7446 7700**Fax:** 01264 785 060**Email address**: London.RAP@justice.gov.uk |
|  | **This office covers all the London boroughs.** |

The Ministry of Justice and HM Courts and Tribunals Service processes personal information about you in the context of tribunal proceedings.

For details of the standards we follow when processing your data, please visit the following address <https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter>

To receive a paper copy of this privacy notice, please call 0300 123 1024/ Textphone 18001 0300 123 1024.