

Application Form Housing Act 2004

Applications relating to Empty Dwelling Management Orders (EDMOs)

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 the Residential Property Tribunal ("The Tribunal") to determine one of the applications listed in Annex 1 to this form.

Please send your completed application form, together with the documents listed in section 13 and any application fee, to the appropriate Rent Assessment Panel. (See Annex 4 to this form for Panel addresses). **Please do not send any other documents.** If and when further evidence is needed you will be asked to send it in separately.

Annex 3 is provided by way of assistance. It is a checklist that the Tribunal will use when coming to its determination.

If you have any questions about how to fill in this form, the fee payable (if any) or the procedures the Tribunal will use, please call the Residential Property Tribunal Service on 0845 600 3178.

Guidance Note

The term "application" as used in this form refers to the appeals and applications listed in Annex 1 to this form.

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): _____

Telephone: Day: _____ Evening: _____ Mobile: _____

Email address: _____

Capacity (e.g. Local Housing Authority or owner) _____

*Representative 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.*

2. ADDRESS (including postcode) of SUBJECT PROPERTY

3. BRIEF DESCRIPTION OF SUBJECT PROPERTY (e.g. semi-detached house) AND APPLICANT'S CONNECTION WITH PROPERTY

4. DETAILS OF RESPONDENT (S) (if appealing against a decision or order, the respondent will normally be the issuing Local Housing Authority)

Name: _____

Address (including postcode): _____

Address for correspondence (if different) _____

Telephone: Day: _____ Evening: _____ Mobile: _____

Email address (if known) _____ Fax: _____

Capacity _____

5. DETAILS OF LANDLORD (if not already given)

Name: _____

Address (including postcode): _____

Telephone: Day: _____ Evening: _____ Mobile: _____

Email address (if known): _____ Fax: _____

6. DETAILS OF ANY INTERESTED PERSONS (Please continue on a separate sheet if necessary)

Name: _____

Address (*including postcode*): _____

Name: _____

Address (*including postcode*): _____

Guidance Note

Interested persons are others who may be entitled, and wish to apply to join in the proceedings as applicants or respondents. If you know their names and addresses these should be included here.

7. TYPE OF APPLICATION

Please specify the type of application you wish to make. It would assist the Tribunal if you could use the list in Annex 1 to this form (page 7), and indicate the number and description of the relevant application.

Depending on the type of application, the Tribunal will need certain information to assist it in its consideration of the facts. Please read questions (a) and (b) below and complete where relevant.

(a) If you are appealing against the service of a notice or an order, when did you receive that notice or order?

(b) If you are appealing against a decision of your Local Housing Authority, when was that decision made and when did you find out about it?

Please set out the ground for your application on the enclosed sheet titled **“GROUNDS OF APPLICATION”**.

8. OTHER APPLICATIONS

Are you involved in any other Housing Act 2004 applications (s) or are you aware of any other applications (s) involving the same owner or property as in this application? If so please give details:

9. CAN WE DEAL WITH YOUR APPLICATION WITHOUT A HEARING?

If the Tribunal thinks it is appropriate, and no party requires a hearing, it is possible for your application to be dealt with entirely on the basis of written representations ("A paper determination").

Please let us know if you would be happy for the case to be dealt with on paper if the Tribunal thinks it appropriate. YES NO

NB: Even if you have asked for a paper determination the Tribunal may decide that a hearing is necessary.

Please go on to complete this form in full on the assumption that a hearing will be held.

10. URGENCY OF APPLICATION

We need to consider whether this case needs to be dealt with quickly.

Please let us know if there is a particular urgency for a determination in this case and if so, why?

11. AVAILABILITY

If there are any days or dates we must avoid during the next three months (either for your convenience or the convenience of any witness or expert you may wish to call) please list them here:

Dates on which you will **NOT** be available: _____

12. 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 an interpreter): _____

Applications handled by the London Panel 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 Clerks 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.

13. DOCUMENTS

Following receipt of your application you will be asked to provide a number of documents (referred to as a 'bundle') in support of your case. However, at this stage you must include those documents set out in Annex 2 to this form which are relevant to the application you are making. **Failure to include the specified documents might make this application invalid.** Any additional documents required by the Tribunal will be requested at a later stage.

14. FEES

A number of applications attract a fee of £150. Please consult Annex 1 for confirmation of whether a fee is payable.

15. CHECKLIST

Please check that :

- You have completed this form fully. The Tribunal will not process your application until this has been done and it has both a copy of the required documents and the fee (if applicable).
- A copy of the required documents is enclosed.
- A crossed cheque or postal order for the fee (if applicable) is enclosed. Please put your name and address on the back of any cheque you send.

DO NOT send cash under any circumstances. Cash payment will not be accepted and any application accompanied by cash will be returned to the applicant.

Fees should be paid either by crossed cheque made payable to, or a postal order drawn in favour of the Department for Communities and Local Government.

Waiver of Fees

You will **not** be liable to pay a fee if you or your partner is in receipt of:

- Income Support
- Housing Benefit
- Income Based Job Seeker's Allowance
- Income-Related Employment and Support Allowance
- A Working Tax Credit where:
 - **either** that Credit includes a disability element or severe disability element **or** is combined with child tax credit **and**
 - the gross annual income used to calculate the Working Tax Credit is £14,213 or less
- A guarantee credit under the State Pensions Credit Act 2002
- A current certificate issued under the Funding Code (legal aid) which is in respect of the proceedings before the Tribunal, the whole or part of which have been transferred from the County Court for determination by a Tribunal.

If you wish to claim a waiver of fees you must complete another form available from the Panel office. The waiver form will not be copied to other parties in the proceedings.

If you are making several applications at the same time, even if you are using different application forms or the applications relate to different parts of the Tribunal's jurisdiction, you do not have to pay a separate fee for each application. The overall fee will be the biggest of the fees payable for each application on its own.

If you are in any doubt about the amount of fee, or have any other questions about how to fill in this form please telephone the Residential Property Tribunal Service helpline on 0845 600 3178.

16. STATEMENT OF TRUTH

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

Signed:

Name (IN CAPITALS)

Date: _____

ANNEX 1: List of applications to Residential Property Tribunals under Housing Act 2004

This list relates solely to matters concerning Empty Dwelling Management Orders

*** An asterisk by the number in the first column denotes that a fee is required for that application.**

Abbreviations

LHA = Local Housing Authority ; EDMO = Empty Dwelling Management Order

No.	Provisions of Housing Act 2004	Type of Application
1	Section 133	Interim EDMO An application by a LHA for authorisation of an Interim EDMO
2	Section 138(1)	Compensation of a third party for interference with rights An application by a third party, while an Interim EDMO is in force, for an order that the LHA pay compensation in respect of any interference in consequence of the EDMO with rights in respect of the dwelling.
3	Schedule 7, para. 1(7)	Continuation of Interim EDMO beyond expiry date An application by a LHA for an order that an Interim EDMO should continue in force pending disposal of an appeal under paragraph 26 to Schedule 7 of the Housing Act 2004 against a replacement Final EDMO.
4	Schedule 7, para. 2(3)(d) or para. 10(3)(d)	Determination of lease or licence An application by a LHA for an order determining a lease or licence while an Interim or Final EDMO is in force.
5	Schedule 7, para. 5(7)	Order that accounts of expenditure be adjusted An application by the relevant proprietor for an order declaring that an amount shown in the accounts as expenditure of the LHA does not constitute relevant expenditure and requiring the LHA to make such financial adjustments (in the accounts and otherwise) as are necessary to reflect the Tribunal's declaration.
6	Schedule 7, para. 9(8)	Continuation of Final EDMO beyond expiry date An application by a LHA for an order that a Final EDMO should continue in force pending disposal of an appeal under paragraph 26 to Schedule 7 of the Act against a replacement Final EDMO.
7	Schedule 7, para. 14(1)	Order that LHA manage in accordance with a management scheme in a Final EDMO An application by an affected person for an order requiring the LHA to manage a dwelling in accordance with a management scheme in a Final EDMO made in respect of the dwelling.
8*	Schedule 7, para. 26(1)(a) or (b)	Appeal against Final EDMO An appeal by a relevant person against the decision of a LHA to make a Final EDMO or against the terms of a Final EDMO (including the terms of the management scheme contained in it).
9	Schedule 26, para. 1(c)	Appeal against terms of an Interim EDMO An appeal by a relevant person against the terms of an Interim EDMO on the grounds that they do not provide for one or both of the matters mentioned in paragraph 5(5)(a) and (b) of Schedule 7 to the Act (which relate to payment of surplus rent etc.).
10*	Schedule 7, para. 30	Variation by the LHA of an Interim or Final EDMO An appeal by a relevant person against the decision of a LHA to vary an Interim or Final EDMO.

ANNEX 1: List of applications to Residential Property Tribunals under Housing Act 2004

No.	Provisions of Housing Act 2004	Type of Application
11*	Schedule 7, para. 30	Refusal by the LHA to vary an Interim or Final EDMO An appeal against the decision of a LHA to refuse to vary an Interim or Final EDMO.
12*	Schedule 7, para. 30	Revocation by the LHA of an Interim or Final EDMO An appeal against the decision of a LHA to revoke an Interim or Final EDMO.
13*	Schedule 7, para. 30	Refusal by the LHA to revoke an Interim or Final EDMO An Appeal against the decision of a LHA to refuse to revoke an Interim or Final EDMO
14*	Schedule 7, para. 34(2)	Decision of the LHA on compensation of third party for interference with rights in consequence of a Final EDMO An appeal by a third party against the decision of a LHA under section 136(4) or 138(3) of the Act in respect of whether, and if so how much, compensation should be payable to a third party for interference with their rights in respect of the dwelling as a consequence of a Final EDMO

ANNEX 2: List of documents to be included with application

Application number	Document(s) to be included
1	<p>a) a copy of the draft Interim EDMO</p> <p>b) a statement of evidence</p> <p style="padding-left: 20px;">i. in respect of the matters as to which the Tribunal must be satisfied under section 134(2) of the Act</p> <p style="padding-left: 20px;">ii. of the LHA's consideration of the rights and interests specified in section 133(4) of the Act</p> <p>AND</p> <p>c) where the LHA notified the relevant proprietor that it was considering making an interim EDMO, a copy of the notification.</p>
2	<p>a) a copy of the Interim EDMO</p> <p>b) a copy of the LHA's notification of its decision in accordance with s.138(4) of the Act</p> <p>AND</p> <p>c) a statement giving full details of</p> <p style="padding-left: 20px;">i. the rights in respect of which it is claimed that there has been interference in consequence of the Interim EDMO</p> <p>AND</p> <p style="padding-left: 20px;">ii. the amount of compensation claimed in respect of that interference.</p>
3	<p>a) a copy of the Interim EDMO</p> <p>AND</p> <p>b) a copy of the notice of appeal under paragraph 26 of Schedule 7 to the Act against the making of an Interim EDMO.</p>
4	<p>a) a copy of the Interim or Final EDMO (including any management scheme)</p> <p>b) a copy of the relevant lease or licence, or if not available evidence as to the existence of the lease or licence</p> <p>AND</p> <p>c) a statement containing the following details</p> <p style="padding-left: 20px;">i. the name and address where known, of any lessor, lessee, sub-lessor, sub-lessee or licensee</p> <p style="padding-left: 20px;">ii. details as to why you believe that the dwelling is unoccupied and why you need possession of the dwelling in order to secure that the dwelling becomes occupied</p> <p style="padding-left: 20px;">iii. the amount of compensation (if any) which the LHA is willing to pay in respect of the determination of the lease or licence, including details of how such compensation had been calculated.</p>
5	<p>a) a copy of the Interim EDMO</p> <p>AND</p> <p>b) a copy of the accounts kept by the LHA in accordance with paragraph 5(6) of Schedule 7 to the Act.</p>
6	<p>a) a copy of the Final EDMO</p> <p>AND</p> <p>b) a copy of the notice of appeal under paragraph 26 of Schedule 7 to the Act against the making of a Final EDMO</p>

ANNEX 2: List of documents to be included with application (continued)

Application number	Document(s) to be included
7	a) a copy of the Final EDMO (including the management scheme)
8	a) a copy of the Final EDMO (including the management scheme) AND b) where the application relates to the terms of the management order, a statement specifying each term to which objection is made with reasons for the objection.
9	a) a copy of the Interim EDMO b) a statement of the matters set out in paragraph 5(5) (a) and (b) of Schedule 7 to the Act (which relate to payment of surplus rent etc).
10	a) a copy of the Interim or Final EDMO AND b) a copy of the LHA's notices under paragraphs 9 and 11 of Schedule 6 to the Act as applied by paragraph 17 of Schedule 7 to the Act.
11	a) a copy of the Interim or Final EDMO AND b) a copy of the LHA's notices under paragraphs 14 and 16 of Schedule 6 to the Act as applied by paragraph 17 of Schedule 7 to the Act.
12	a) a copy of the Interim or Final EDMO AND b) a copy of the LHA's notices under paragraphs 17 and 19 of Schedule 6 to the Act as applied by paragraph 17 of Schedule 7 to the Act.
13	a) a copy of the Interim or Final EDMO AND b) a copy of the LHA's notices under paragraphs 20 and 22 of Schedule 6 to the Act as applied by paragraph 17 of Schedule 7 to the Act.
14	a) a copy of the Final EDMO (including the management scheme) AND b) where the third party has requested compensation under section 138 of the Act, a copy of the LHA's notification of its decision to the third party in accordance with section 138(4) AND c) a statement giving full details of: i. the rights in respect of which it is claimed that there has been interference in consequence of the Final EDMO AND ii. the amount of compensation claimed in respect of any interference

ANNEX 3: Interim EDMO Checklist

SI/Section	Requirement (for full details see Act or Statutory Instrument)	✓ or X
SI 2006 367 Para.3	Property is not one of the prescribed exceptions -	
	<p>(a) Has been occupied solely or principally by the relevant proprietor and is wholly unoccupied because he is absent –</p> <ul style="list-style-type: none"> i. temporarily resident elsewhere ii. receiving care by reason of old age, disablement, illness, past or present drug or alcohol dependence or past/present mental illness iii. for the purpose of providing, or better providing, personal care for a person who requires such care for reasons in (ii) above iv. as a result of being serving member of armed forces <p>(b) Is a holiday home or otherwise occupied by the relevant proprietor or his guests from time to time.</p> <p>(c) Is genuinely on the market for sale or to let</p> <p>(d) Is comprised in an agricultural holding</p> <p>(e) Is usually occupied by an employee of the relevant proprietor in connection with his employment duties</p> <p>(f) Is available for a minister of religion as a residence from which to perform his duties</p> <p>(g) Is subject to a court order freezing property of the relevant proprietor</p> <p>(h) Is prevented from being occupied due to criminal investigation or proceedings</p> <p>(i) Mortgagee in right of the mortgage, has entered and is in possession</p> <p>(j) Relevant proprietor has died and it is not six months since grant of representation was obtained.</p>	
s.134(2)	RPT must be satisfied that	
	<p>a) dwelling has been wholly unoccupied for at least 6 months</p> <p>b) no reasonable prospect of occupation in near future</p> <p>c) reasonable prospect of occupation if order made</p> <p>d) LA has complied with s133(3) – see below</p> <p>e) prescribed requirements met – SI 2006 No. 367 para.4 – see below</p>	
s.133(3)	LA has made reasonable efforts to	
	<p>a) notify proprietor that considering an EDMO</p> <p>b) ascertain steps proprietor is taking, or intends, to secure occupation</p>	

ANNEX 3: Interim EDMO Checklist (continued)

<p>SI 2006 367 4(1)</p>	<p>A. LA has made reasonable efforts to establish from proprietor whether he thinks any of the exceptions apply LA must provide –</p>	
	<p>i. details of efforts made to comply with s133(3)(a) – (notify proprietor) ii. details of enquiries made under s133(3)(b) – (ascertain what steps) iii. details of any advice or assistance given to proprietor iv. all information they have that suggests dwelling may be exception classification of dwelling for Council Tax</p>	
	<p>B. If proprietor undertaking works or has applied for permission for structural alterations/additions, LA must state why EDMO required</p>	
<p>s.134(3)</p>	<p>RPT must take into account</p>	
	<p>a) Interests of the community b) Effect of order on rights of proprietor and/or third parties</p>	
<p>s.134(4)</p>	<p>Consider whether compensation should be ordered</p>	

ANNEX 4: Addresses of RPTS Panel Offices

NORTHERN RENT ASSESSMENT PANEL

First Floor, 5 New York Street,
Manchester M1 4JB

Telephone: 0845 100 2614 or 0161 237 9491
Fax: 0161 237 3656

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: Cheshire, Cumbria, Durham, Lancashire, and Lincolnshire.

MIDLAND RENT ASSESSMENT PANEL

2nd Floor, Louisa House, 92-93 Edward Street,
Birmingham B1 2RA

Telephone: 0121 236 7837 or 0845 100 2615
Fax: 0121 236 9337

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 RENT ASSESSMENT PANEL

Unit C4, Quern House, Mill Court
Great Shelford, Cambridge CB22 5LD

Telephone: 0845 100 2616 or 0122 384 1524
Fax: 0122 384 3224

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 RENT ASSESSMENT PANEL

1st Floor, 1 Market Avenue,
Chichester, PO19 1JU

Telephone: 0845 100 2617 or 0124 377 9394
Fax: 0122 350 5116

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 RENT ASSESSMENT PANEL

10 Alfred Place,
London WC1E 7LR

Telephone: 020 7446 7700
Fax: 020 7637 1250

This office covers all the London boroughs.