

Application Form Housing Act 2004

Applications relating to Improvement Notices, Prohibition Orders, Demolition Orders and Emergency Measures

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 referred to in section 13 and any fee payable, to the appropriate Rent Assessment Panel. (See Annex 3 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.

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.

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 _____

*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. 2 bedroom terraced 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 ("LHA"))

Name: _____

Address (including postcode): _____

Address for correspondence (if different) _____

Telephone: Day: _____ Evening: _____ Mobile: _____

Email address (if known) _____ Fax: _____

Capacity (e.g. LHA): _____

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, 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 through questions (a), (b) and (c) 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?

(c) If you are appealing against an *improvement notice* and one of the grounds of your appeal is that another person ought to take the action concerned or ought to contribute to the cost, have you served a copy of this application on that person ?

YES **NO**

Please also provide the name and address (including postcode) for that person together with proof of service:

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 person(s) 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 by way of paper determination 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. You can also ask for an oral hearing at any time before the determination is made.

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 decide whether the 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 both) **or it 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.

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 (or Housing Act 1985)

This list relates solely to matters concerning Improvement Notices, Prohibition Notices, Demolition Orders and Emergency Remedial Action.

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

Abbreviations

LHA = Local Housing Authority

No.	Provisions of Housing Act 2004	Type of Application
1*	Schedule 1, para. 10(1)	Improvement Notice An appeal against an Improvement Notice by the person on whom it is served.
2*	Schedule 1, para. 13(1)	Improvement Notice An appeal against a decision by the LHA, to vary an Improvement Notice, or to refuse to revoke or vary an Improvement Notice.
3*	Schedule 2, para. 7(1)	Prohibition Order An appeal against a Prohibition Order.
4*	Schedule 2, para. 9(1)	Prohibition Order An appeal against a decision by the LHA to vary a Prohibition Order, or to refuse to revoke or vary a Prohibition Order.
5*	Section 22(9)	Prohibition Order An appeal against a LHA decision to refuse to give approval of a particular use under Section 22(4) of the Act.
6*	Schedule 3, para. 11(1)	Improvement Notice An appeal against a demand for recovery of expenses under Part 3 of Schedule 3 to the Act, where the LHA takes action without agreement under an Improvement Notice (includes an appeal under paragraph 11(4) of schedule 3 to the Act on the ground that reasonable progress was being made towards compliance).
7	Section 34(2)	Prohibition Order An application by lessor or lessee for an order determining or varying the lease where a Prohibition Order has become operative.
8	Section 45(1)	Emergency Remedial Action An appeal against a decision by the LHA to take Emergency Remedial Action.
9	Section 45(2)	Emergency Prohibition Order An appeal against an Emergency Prohibition Order.
10*	Schedule 3, para. 11(1) applied by Section 42	Emergency Remedial Action An appeal against a demand for recovery of expenses where a LHA takes Emergency Remedial Action.

Continued...

ANNEX 1: List of applications to Residential Property Tribunals under the Housing Act 2004 (or Housing Act 1985) (continued)

Abbreviations

LHA = Local Housing Authority

No.	Provisions of Housing Act 2004	Type of Application
11	Schedule 3, para. 14 and that paragraph as modified by Section 42.	<p>Improvement Notice / Emergency Remedial Action: recovery of expenses of LHA in taking action</p> <p>An application by the LHA to the Tribunal for an order that a person profiting from the LHA taking action under paragraph 3 of Schedule 3 in respect of an Improvement Notice, or from the LHA taking Emergency Remedial Action under section 40, make payments to the LHA.</p>
12*	Section 269(1) Housing Act 1985 as amended by Section 48 Housing Act 2004	<p>Demolition Order</p> <p>An appeal against a Demolition Order including an appeal on the grounds specified in Section 269A Housing Act 1985.</p>
13	Section 272(1) or (2)(a) Housing Act 1985 as amended by Section 48 Housing Act 2004	<p>Demolition Order</p> <p>An application in connection with recovery of the LHA's expenses in executing a Demolition Order under Section 271 of the Housing Act 1985 including determination of contributions by joint owners.</p>
14	Section 272(2)(b) Housing Act 1985 as amended by Section 48 Housing Act 2004	<p>Demolition Order</p> <p>An application by joint owners of relevant premises to determine apportionment of the surplus repaid by the LHA (where the LHA has recovered from the owners its expenses in executing a Demolition Order).</p>
15	Section 317 Housing Act 1985 as amended by Section 48 Housing Act 2004	<p>Demolition Order</p> <p>An application by a lessor or lessee of premises to which a Demolition Order has become operative, for an order determining or varying the lease.</p>
16*	Section 318(1) Housing Act 1985 as amended by Section 48 Housing Act 2004	<p>Execution of works on unfit premises</p> <p>An application by a person with an interest in unfit premises for an order empowering the applicant to enter the land to execute works; and for an order determining a lease held from the applicant and any derivative lease.</p>

ANNEX 2: List of documents to be included with application

Application No	Document(s) to be included
1	<ul style="list-style-type: none"> a) a copy of the Improvement Notice (including any schedule) b) the statement of LHA reasons.
2	<ul style="list-style-type: none"> a) a copy of the Improvement Notice (including any schedule) b) the statement of LHA reasons c) a copy of the LHA decision on the application to vary or revoke.
3	<ul style="list-style-type: none"> a) a copy of the Prohibition Order (including any schedule) b) the statement of LHA reasons.
4	<ul style="list-style-type: none"> a) a copy of the Prohibition Order (including any schedule) b) the statement of LHA reasons c) a copy of the LHA decision on the application to vary or revoke.
5	<ul style="list-style-type: none"> a) a copy of the Prohibition Order (including any schedule) b) the statement of LHA reasons c) a copy of the notice of the LHA decision.
6 & 10	<ul style="list-style-type: none"> a) a copy of the Improvement Notice or (as the case may be) the Notice of Emergency Remedial Action (including any schedule) b) the statement of LHA reasons c) a copy of the notice of the LHA's intention to enter premises to carry out action d) a copy of the LHA's demand for expenses e) if relevant, details of the progress towards compliance.
7	<ul style="list-style-type: none"> a) a copy of the Prohibition Order (including any schedule) b) the statement of LHA reasons c) a copy of the relevant lease d) a statement of the name and address of any other party to the lease and of any party to any inferior lease (e.g. sub-lease).
8	<ul style="list-style-type: none"> a) a copy of the notice of emergency remedial action (including any schedule) and b) the statement of LHA reasons.
9	<ul style="list-style-type: none"> a) a copy of the Notice of Emergency Prohibition Order (including any schedule) b) the statement of LHA reasons.
10	see application No 6
11	<ul style="list-style-type: none"> a) a copy of the Improvement Notice (including any schedule) or, as the case may be, the notice of Emergency Remedial Action (including any schedule) b) the statement of the LHA reasons c) a copy of the demand for expenses served under paragraph 9 of schedule 5 d) a copy of any notice served under paragraph 12 of schedule 3 e) proof of service of notice of the application on the person concerned.

Continued

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

Application number	Document(s) to be included
12	<ul style="list-style-type: none">a) a copy of the Demolition Order (including any schedule)b) a copy of the statement of LHA reasons
13	<ul style="list-style-type: none">a) a copy of the Demolition Order (including any schedule)b) the statement of LHA reasonsc) a statement containing:<ul style="list-style-type: none">i. the expenses incurred by the LHAii. the amount (if any) realised by the sale of the materialsiii. the amount the LHA seeks to recover from an owner of premises
14	<ul style="list-style-type: none">a) a copy of the Demolition Order (including any schedule)b) the statement of LHA reasonsc) a statement of:<ul style="list-style-type: none">i. the owners' respective interests in the premises; andii. their respective obligations and liabilities in respect of maintenance and repair
15	<ul style="list-style-type: none">a) a copy of the Demolition Order (including any schedule)b) the statement of LHA reasonsc) a copy of the relevant leased) a statement of the name and address of any other party to the lease and of any party to an inferior lease.
16	<ul style="list-style-type: none">a) details of the proposed works, including names and addresses of any proposed contractors, an estimate of the costs and a timetable for the start and completion of workb) where the application is made under s.318(1)(b), details of the scheme of improvement or reconstruction and the LHA's approval of the schemec) a statement of the financial standing of the applicant, including disclosure of the funds available to meet the estimated costs of the workd) where an Order for Determination of a lease is sought, a copy of that lease.

ANNEX 3: Addresses of RPTS Panel Offices

NORTHERN RENT ASSESSMENT PANEL

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

Telephone: 0161 237 9491 or 0845 100 2614
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: 0122 384 1524 or 0845 100 2616
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: 0124 377 9394 or 0845 100 2617
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.