

Application Form

Part IV Landlord and Tenant Act 1987

Application for the variation of a lease or leases

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 Leasehold Valuation Tribunal ("The Tribunal") to vary a lease or leases under Part IV of the Landlord and Tenant Act 1987.

Please send your completed application form, together with the documents listed in section 12 and any application fee payable, to the appropriate Rent Assessment Panel. (See the Annex 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 separately.

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

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: _____ Fax: _____

Capacity (e.g. landlord/tenant): _____

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.

2. ADDRESS (including postcode) OF SUBJECT PROPERTY or PROPERTIES

3. BRIEF DESCRIPTION OF PROPERTY or PROPERTIES (e.g. purpose built block with 12 flats)

4. DETAILS OF RESPONDENT(S) (All other current parties to the lease(s) must be made respondents. If there are multiple respondents please continue on a separate sheet if required).

Name: _____
Address (including postcode): _____

Address for correspondence (if different) _____

Telephone: Day: _____ Evening: _____ Mobile: _____
Email address (if known) _____ Fax: _____
Capacity (e.g. landlord/tenant): _____

5. 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 (page 6)** 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*).

Guidance Note

Section 35 of the Landlord and Tenant Act 1987 and the Leasehold Valuation Tribunals (Procedure) (England) Regulations 2003 require an applicant to notify all persons known to him or her who are likely to be affected by the application that it is being made. Persons who are likely to be affected may include (but are not limited to) other lessees in the same block of flats or any mortgagee or superior landlord.

6. OTHER APPLICATIONS

Do you know of any other cases involving either:

- (a) the same or similar issues about the variation of a lease or leases as in this application; or
- (b) the same landlord or tenant or tenant or property as in this application?

If so, please give details.

7. LIMITATION OF COSTS

If you are a tenant, do you wish to make a section 20C application (see *Guidance Note*)?

YES NO

If so, why?

Guidance Note

Some leases allow a landlord to include costs incurred in connection with proceedings before a Tribunal as part of a service charge. Section 20C of the Landlord and Tenant Act 1985 gives the Tribunal power, on application by a tenant, to make an order to the effect that such costs are not to be treated as relevant costs to be taken into account in determining the amount of any service charge payable by the tenant or any other person(s) specified in the application. If you are a tenant you should indicate here whether you want the Tribunal to consider making such an order.

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

If the Tribunal thinks it is appropriate, and all the parties agree, 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"). This means you would not be liable for a hearing fee of £150 but it would also mean that you would not be able to explain your case in person.

Please let us know if you would be happy for your application 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 sections 9 to 11 on the assumption that a hearing will be held

9. 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 there is, please explain how urgent it is and why:

Guidance 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 Pre-Trial Review which is a meeting at which the steps that need to be taken to bring the case to a final hearing can be discussed.

10. AVAILABILITY

If there are any dates or days 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: _____

11. 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): _____

In London, cases 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.

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).

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.

A draft of the variation(s) sought.

Amount of fee (if payable) £ _____ 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.

Guidance Note

The amount of the application fee will depend on the number of dwellings to which the application relates. To find out how much you will need to pay you should consult the following table:

Number of dwellings to which application relates	Application Fee
5 or fewer dwellings	£150
Between 6 and 10 dwellings	£250
More than 10 dwellings	£350

Fees should be paid by a 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.

13. STATEMENT OF TRUTH

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 necessary.

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 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: 0845 100 2615 or 0121 236 7837
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.