



**FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)**

Case reference : **LON/00AA/LDC/2022/0173**

Properties : **22 long leasehold properties where the City of London Corporation is the landlord**

Applicant : **The Mayor and Commonality and Citizens of the City of London**

Representative : **Mr Andrew Cusack**
(ref: CHB005/079/LIT/AC)
(email: andrew.cusack@cityoflondon.gov.uk)

Respondents : **The 22 long residential leaseholders whose financial contribution to the proposed contracts for facilities management services exceeds the prescribed sum of £100**

Type of application : **To dispense with the requirement to consult leaseholders about a long-term agreement for the supply of facilities management services**

Judge : **Donegan**

Date of directions : **27 October 2022**

**DIRECTIONS ON AN APPLICATION UNDER SECTION 20ZA OF
THE LANDLORD AND TENANT ACT 1985**

The parties may agree between themselves any reasonable change to the dates in these Directions EXCEPT for the date of sending the bundles and the hearing date/s.

Covid-19 Arrangements

- For the tribunal's current procedures, please see the Guidance for Users at: <https://www.judiciary.uk/wp-content/uploads/2021/02/Guidance-for-Users-February-2021-final.pdf>

- Unless directed otherwise, all communications to the tribunal, including the filing of documents and bundles, should be by **email ONLY**, attaching a letter in Word format. Emails must be sent to London.RAP@justice.gov.uk. The attachment size limit is 36MB. If your attachments are larger than 36MB they must be split over several emails.

- **If a party does not have email, access to the Internet and/or cannot prepare digital documents, they should contact the case officer about alternative arrangements.**

Background to the Application

- (A) The Applicant landlord seeks dispensation under section 20ZA of the Landlord and Tenant Act 1985 ('the 1985 Act') from all/some of the consultation requirements imposed on the landlord by section 20 of the 1985 Act¹.

- (B) The Applicant proposes to enter new contracts for the supply of facilities management services to buildings in the West End within its Investment Property Portfolio. The current contracts terminate on 31 March 2023.

- (C) There are 22 residential, long leasehold properties where the leaseholders' contributions will exceed the consultation threshold of £100.

- (D) The Applicant will shortly enter an Integrated Facilities Management Framework Agreement ('the Framework Agreement') for the supply of facilities management services and has published the relevant Contract Notice. The Framework will be divided into six Lots, reflecting different property groups. This application concerns Lot 2 – Commercial Property.

- (E) Once the Applicant enters the Framework Agreement, it will then enter a separate Call-Off Agreement for the supply of facilities management services for Lot 2. This will run from 01 April 2023 to 31 March 2033 and the estimated cost is £4,800,000 per annum (excluding VAT).

- (F) The proposed Call-Off Agreement will be a Qualifying Long Term Agreement ('QLTA') to which section 20 of the 1985 Act and the Service

¹ See the **Service Charges (Consultation Requirements) (England) Regulations 2003 (SI 2003/1987)**

Charges (Consultation Requirements) (England) Regulations ('the 2003 Regulations') apply. There has been partial consultation in that a Notice of Intention was sent to leaseholders in the West End on 28 April 2022. No observations have been received from those leaseholders. The Applicant contends that it will not be possible to comply with Schedule 1 of the 2003 Regulations as procurement will be limited to suppliers who are parties to the existing Framework Agreement.

- (G) The Applicant contends that the Framework Agreement and subsequent Call-Off Agreement will enable them to obtain the lowest prices for facilities management services and will result in lower relevant costs for long leaseholders. They seek dispensation from strict compliance with the consultation requirements in the 2003 Regulations.
- (H) The only issue for the tribunal is whether it is reasonable to dispense with the statutory consultation requirements. **This application does not concern the issue of whether any service charge costs will be reasonable or payable.**
- (I) The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 ('the 2013 Rules') give guidance on how the application will be dealt with.

DIRECTIONS

1. The Applicant landlord must by **11 November 2022**:
 - Write to each of the leaseholders and to any residential sub-lessee and to any recognised residents' association concerned by email, hand delivery or first-class post, setting out the following:
 - (a) Informing them of the application;
 - (b) Advising them that a copy of the application (with personal details deleted), statement of case, supporting documents and a copy of these directions will be available on the applicant's website, advising them of the URL address, and notifying them that any response to the application should be made by **02 December 2022**;
 - (c) Informing the leaseholders that if they wish to receive a printed copy of the application and these directions they should write to the applicants, who will then send printed copies (again, with any personal details deleted);
 - (d) Advise the leaseholders that as the application progresses additional documents will be added to the website, including the final decision of the tribunal, stating clearly that the final decision is likely to be uploaded on or after **10 January 2023**.

- Confirm to the tribunal by email that this has been done, stating the date(s) on which this was done and supplying the addresses of the 22 affected properties and the full names of the relevant leaseholders.
2. Those leaseholders who oppose the application must by **02 December 2022**:
 - Complete the attached reply form and send it by email to the tribunal; and
 - Send to the Applicant landlord, by email or by post, a statement in response to the application with a copy of the reply form. They should send with their statement copies of any documents upon which they wish to rely.
 3. The Applicant landlord must by **16 December 2022**:
 - Prepare a digital, indexed and paginated Adobe PDF bundle of all relevant documents for use in the determination of the application, containing all of the documents on which the Applicant landlord relies, including the application form, these and any subsequent directions, copies of any replies from the leaseholders and any relevant correspondence with the tribunal;
 - Upload a copy of the bundle to their website;
 - Write to each of the leaseholders who have sent a reply form to oppose the application, by email and/or post, providing them with a link to the uploaded bundle or, if they request one, a paper copy of the bundle;
 - Also send an email to the tribunal at London.Rap@justice.gov.uk with a similar link to the uploaded bundle, that can be downloaded by the tribunal. The subject line of the email must read:” "BUNDLE FOR PAPER DETERMINATION: [case reference number]”.

Determination

4. The tribunal will decide the application during the seven days commencing **03 January 2023** based on the documents.
5. However, any party may request a hearing. Any such **request should be made by 09 December 2022** giving an indication of any dates to avoid. The hearing will have a time estimate of two hours, but either party should notify the tribunal if that time estimate is insufficient.
6. If a hearing is requested:
 - It shall take place on **a date to be confirmed as a face-to-face hearing, at 10 Alfred Place, London WC1E 7LR**, making use of the electronic documents received. The parties may if they wish (but are not obliged to) provide the tribunal and the other parties with a

concise written summary of their case (referred to as a “skeleton argument”) **three days** before the date of the listed hearing.

- A party who is intending to rely upon oral witness evidence at a hearing must provide the witness with a copy of the hearing bundle for use at the hearing.
 - Parties may wish to print out a copy of the digital hearing bundle(s) for use at the hearing. The tribunal will be using the digital hearing bundles provided, unless it directs otherwise.
 - Any party may request, from another party, a physical paper copy of a hearing bundle relied upon by that party (this must be provided, free of charge, within seven days of the request).
7. As the tribunal is working electronically during the current pandemic, the tribunal deciding this application will not have access to a physical file, nor electronic access to documents sent to the tribunal. It is therefore essential that the parties include any relevant correspondence to the tribunal within the digital bundle.
 8. The tribunal will send a copy of its eventual decision to the representative of every represented leaseholder and to any unrepresented leaseholders, who have completed and returned the reply form attached to these directions.
 9. Furthermore, the Applicant must either send a copy of the tribunal’s decision and appeal rights to all leaseholders, or upload a copy of the tribunal’s decision and appeal rights on their website, if they have one, or on a web-based document storage site **within 7 days of receipt** and shall maintain it there for at least 3 months, with a sufficiently prominent link to both on their home page, or (if longer) until the new contract is entered into.

Attached: Reply Form for Leaseholders

NOTES

- a. **Whenever you send a letter or email to the tribunal you must also send a copy to the other parties (or, in the case of the applicant, post a copy on their website) and note this on the letter or email.**
- b. **Documents prepared for the tribunal should be easy to read. If possible, they should be typed and use a font-size of not less than 12.**
- c. **If the applicant fails to comply with these directions the tribunal may strike out all or part of their case pursuant to rule 9(3)(a) of the 2013 Rules.**
- d. **If the respondents fail to comply with these directions the tribunal may bar them from taking any further part in all or part**

of these proceedings and may determine all issues against them pursuant to rules 9(7) and (8) of the 2013 Rules.

Reply Form for Leaseholders

Case Reference:	LON/00AA/LDC/2022/0173
Property:	22 long leasehold properties where the City of London Corporation is the landlord

ONLY COMPLETE AND RETURN THIS FORM IF YOU OBJECT TO THE APPLICATION

If you do object please complete and return this form to:

The First-tier Tribunal Property Chamber (Residential Property) **by email** to: London.RAP@justice.gov.uk

And send a copy to the landlord's representative, Mr Andrew Cusack, The City Solicitor's Department, The City of London Corporation, PO Box 270 Guildhall, London EC2P 2EJ (quoting ref: chb005/079/LIT/AC) or by email to: andrew.cusack@cityoflondon.gov.uk

	Yes	No
Have you sent a statement in response to the landlord?	<input type="checkbox"/>	<input type="checkbox"/>
Do you wish to request an oral hearing?	<input type="checkbox"/>	<input type="checkbox"/>
Name address of any spokesperson or representative appointed for the leaseholder:		

Please also complete the details below:

Date:	
Signature:	
Print Name:	
Address of affected property:	
Your correspondence address (if different):	
Telephone:	
Email:	