

Notice of objection to a Restrictive Covenant application

Case number LP/ /

Concerning the application to discharge or modify a restrictive covenant:

- made by (applicant)
- concerning (land)

Objector(s) (attach a list if necessary)

Name

Address (including
postcode)

Telephone (if not
represented)

Fax (if not
represented)

Email (optional)

Status (individual,
partnership, etc)

Address for service (Note if you are represented all documents must be sent or delivered to your representative)

Name

Address (including
postcode)

Telephone

Fax

Email (optional)

Objector's(s) representative/ address for service of documents

(If this section is completed all communications from the Tribunal and other parties will be sent or delivered to the representative.)

Name

Address (including
postcode)

Telephone

Fax

DX

Email (optional)

Professional capacity in which the representative acts, if any: (state whether solicitor, surveyor or other professional qualification. A representative who is not a solicitor must enclose an authority to act signed by the objector(s))

Claim for compensation

If the application is successful, is this also a claim for compensation from the applicant

Yes No

Approximate amount of compensation claimed:

£

(This figure is provisional and will not be binding)

Legal entitlement to the benefit of the restrictive covenant

(You may object to an application to discharge or modify restrictive covenants only if you have a legal entitlement to the benefit of the covenant(s). You may need to provide evidence of your entitlement. If you are unsure about your entitlement you should seek legal advice.)

Basis of claim to be legally entitled to the benefit of the restriction (tick one only)

- The objector is the original covenantee
- The covenant(s) were created to benefit land owned by the objector and are enforceable by the objector

Grounds of objection

Is this an objection to the discharge of the restrictive covenant(s)?

Yes No

If yes, give a brief statement of the objector's response to the grounds of the application for discharge ((a),(aa),(b) or (c) as the case may be, attach an extra sheet if needed)

Is this an objection to the modification of the restrictive covenant(s)? Yes No

If yes, give a brief statement of the objector's response to the grounds of the application for modification ((a),(aa),(b) or (c) as the case may be, attach an extra sheet if needed)

Any other reasons why the objector opposes the application

Important notes

- An objector whose entitlement to the benefit of the covenant(s) is not accepted will need to provide evidence that they own land that has the benefit of the covenant(s) so that they are legally entitled to enforce the covenant(s) and should be admitted to oppose the application. If there needs to be a hearing to decide this issue an objector who fails to establish that they should be admitted may be ordered to pay the legal costs of the applicant(s) in relation to that issue.
- An objector whose entitlement is accepted or proven is unlikely to be ordered to pay the applicant's costs in relation to the application to discharge or modify the covenant(s). In those circumstances in asking the Tribunal to discharge or modify a restrictive covenant, the applicant is seeking to have a property right removed from the benefited owner(s). For this reason, successful objectors may normally expect to have their legal costs paid by the unsuccessful applicant. Likewise, although they will usually pay their own costs, unsuccessful objectors will not normally be ordered to pay the costs of successful applicants. An objector may be required to pay some or all of the applicant's costs only if they behaved unreasonably in the course of the proceedings, in rejecting a reasonable offer to settle made by the applicant, or in objecting to the proposed change.
- If there are no objections by people entitled to enforce the covenant the applicant may rely on the lack of objections in support of the application.
- If you have any questions about these issues you should seek legal advice.

Signature and date

Signed _____ Date _____

Name _____

I am:

the objector(s) the solicitor for the objector(s) the agent of the objector(s)
(enclose authority to act signed by the objector(s))

What to do next

Once completed and signed, keep a copy of your objection form for your records and send a copy both to the applicant(s) (or to any known solicitor or representative of the applicant(s)) and to:

**The Registrar
Upper Tribunal (Lands Chamber)
5th Floor, Rolls Building
7 Rolls Building
Fetter Lane
London
EC4A 1NL**

DX: 160042 Strand 4

Tel: 020 7612 9710

Fax: 0870 761 7751

There is no fee for filing an objection. It should be sent or delivered within one month of the date of the publicity notice or receipt of a copy of the application otherwise it is necessary to apply for an extension of time. If you have internet access please visit our website for further information about proceedings in the Tribunal and the rules that apply, otherwise contact the Tribunal office.