



Leasehold 3

Apply for determination of liability to pay and/ or reasonableness of service charges

Tenants or landlords can request a decision on whether a variable service charge is payable. The tribunal can determine:

- who will pay the service charge
- who is owed the service charge
- the amount to be paid
- when the charge must be paid

This is also the correct form to use if your case relates to the provisions of Schedule 8 to the Building Safety Act 2022. For more information, go to Section 6.

Before you apply

You will need a copy of the lease or a sample lease.

You must complete all sections and provide all documentation requested otherwise the tribunal cannot progress your application.

If you are unable to do so you must explain why at the end of this form and the tribunal will decide whether or not the application can proceed.

If you have any questions

If you have any questions about this application contact the relevant regional office in **Annex 2**.

The tribunal cannot give legal advice on your case.

Serving the application

You must send a copy of the application to the respondent and any interested party by email or post.

Other notes

Write clearly if you are completing this form by hand.

Use another sheet of paper if there is not enough space for you to say everything.

Add your name at the top of any additional pages.

Applications to limit a landlord recharging costs connected to tribunal proceedings

Apply to limit payment of landlord's costs Service charge

Section 20C of the Landlord and Tenant Act 1985

Some leases allow landlords to include their costs in connection with tribunal proceedings as part of the service charge paid by tenants.

A tenant can apply to the tribunal for the landlord's costs not to be included in a service charge. This is called a Section 20C application.

If you are a tenant do you want to make a Section 20C application?

Yes

No

Note for Applications to limit a landlord recharging costs

Add names of other tenants that want to apply to limit payment of landlord's costs or legal costs.

Include a document, signed in pen by the tenants or an email from each tenant wanting to be part of the application. Also, include each leaseholder's address and email address (if known).

Apply to limit payment of legal costs Administration charge

Paragraph 5A of Schedule 11 to the Commonhold and Leasehold Reform Act 2002 to the 2002 Act

A tenant can apply to the tribunal for an order that reduces or removes the tenant's liability to pay an 'administration charge in respect of litigation costs'. Litigation costs are contractual costs in a lease.

Do you want to make an application under Paragraph 5A of Schedule 11 to the 2002 Act?

Yes

No

Section 1 – Applicant’s information

1.1 Details of applicant

First name

Last name

Capacity

Company name (optional)

1.2 Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

1.3 Reference number for correspondence (optional)

1.4 Contact details

Phone number

Mobile number

Email address

Note for Section 1

In cases with more than one applicant, attach a separate document containing the names, addresses and emails (if known) of all the applicants. Also, include a document, signed in pen by each applicant or an email from each applicant wanting to be part of the application.

Note for Capacity

Capacity could be leaseholder or landlord.

1.5 Details of applicant's representative (If any)

First name

Last name

Company name

Note 1.5

A representative is someone you want to represent you in dealing with the tribunal.

If you appoint a representative, the tribunal office will only correspond with your representative.

1.6 Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

1.7 DX number for correspondence (optional)

Note 1.7

Not all regional offices use the DX service.

1.8 Reference number for correspondence (optional)

See Annex 2 for offices that have DX numbers.

1.9 Contact details

Phone number

Mobile number

Email address

Section 2 – Property information

2.1 Is the address of the subject property the same as the applicant's address?

Yes

No. **Provide the address below.**

Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

2.2 Reference number for correspondence (optional)

2.3 Brief description of the property

Note for Section 2

The subject property address could be the same as the applicant's address (for example, the property or properties involved in the application or dispute).

Note 2.3

Add a short description of the property, for example:

- is the property a block of flats
- how many flats are in the block
- a description of the property or properties (for example 1 or 2 bedroom)
- an estimate of the age of the property

Section 3 – Respondent’s information

3.1 Details of respondent

First name

Last name

Capacity

Company name (optional)

3.2 Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

3.3 Reference number for correspondence (optional)

3.4 Contact details

Phone number

Mobile number

Email address

Note for Section 3

In cases with more than one respondent, attach a separate document containing the names, addresses and emails (if known) of all the respondents.

Note for Capacity

Capacity could be leaseholder or landlord.

3.5 Details of respondent's representative (if any)

First name

Last name

Company name

3.6 Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

3.7 DX number for correspondence (optional)

3.8 Reference number for correspondence (optional)

3.9 Contact details

Phone number

Mobile number

Email address

Note 3.7

Not all regional offices use the DX service.

See Annex 2 for offices that have DX numbers.

Section 4 – Landlord’s information

4.1 Is the landlord the same as the respondent or the applicant?

Yes, the landlord is the same as the respondent

Yes, the landlord is the same as the applicant

No. **Provide the details below.**

4.2 Details of landlord

First name

Last name

Company name (optional)

4.3 Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

4.4 Reference number for correspondence (optional)

4.5 Contact details

Phone number

Mobile number

Email address

4.6 Details of landlord's representative

First name

Last name

Company name

4.7 Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

4.8 DX number for correspondence (optional)

4.9 Reference number for correspondence (optional)

4.10 Contact details

Phone number

Mobile number

Email address

Note 4.8

Not all regional offices use the DX service.

See Annex 2 for offices that have DX numbers.

Section 5 – Any recognised tenants’ association (if known)

5.1 Name of secretary

First name

Last name

5.2 Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

5.3 Reference number for correspondence (optional)

5.4 Contact details

Phone number

Mobile number

Email address

Section 6 – Details of service charges

6.1 Service Charges determined under the provisions of Schedule 8 to the Building Safety Act 2022

Do any of the issues in the case relate to the provisions of Schedule 8?

Yes. **Go to question 6.2.**

No. **Go to question 6.3.**

6.2 Is the building at least 11 metres high or has at least 5 storeys?

Yes. **Give details below.**

No

6.3 Add all past and future years for which you are seeking a service charge determination:

Year

Year

Year

Year

Year

Year

Note for Section 6

Schedule 8 of the Building Safety Act stops or limits the amount of service charges payable by qualifying leaseholders in certain circumstances.

Generally, this may apply if:

- the building is at least 11 metres high or has at least 5 storeys
- the disputed service charge relates to costs of fixing or remedying building safety risks in relation to the spread of fire or the collapse of the building

6.4 Tell us about the first year mentioned in question 6.3

Use one sheet for each year:

Year

List the items of service charge that are in issue (or relevant) and their value

Note 6.4

Give a brief outline of your case so that the tribunal understands what your application is about.

The tribunal may ask for further details or documents to support your case.

If you are seeking a service charges determination for more than 3 years, use **Annex 1** or add to a separate document.

Description of the question(s) you wish the tribunal to decide

6.5 Tell us about the second year mentioned in question 6.3

Use one sheet for each year:

Year

List the items of service charge that are in issue (or relevant) and their value

Note 6.5

Give a brief outline of your case so that the tribunal understands what your application is about.

The tribunal may ask for further details or documents to support your case.

If you are seeking a service charges determination for more than 3 years, use **Annex 1** or add to a separate document.

Description of the question(s) you wish the tribunal to decide

6.6 Tell us about the third year mentioned in question 6.3

Use one sheet for each year:

Year

List the items of service charge that are in issue (or relevant) and their value

Note 6.6

Give a brief outline of your case so that the tribunal understands what your application is about.

The tribunal may ask for further details or documents to support your case.

If you are seeking a service charges determination for more than 3 years, use **Annex 1** or add to a separate document.

Description of the question(s) you wish the tribunal to decide

Section 7 – Other applications

7.1 Do you know of any other cases involving:

related or similar issues about the management of this property

the same landlord or tenant as in this application

Details

Section 8 – Hearing

Determine without a hearing (a paper determination)

It is possible for your application to be dealt with only on written representations and documents without anyone needing to attend in person. This is called a paper determination.

8.1 Do you think a paper determination is right for your case?

Yes

No

8.2 Urgency of application

Is your case urgent?

No

Yes. **Explain why it is urgent.**

Note 8.1

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

You'll need to pay an additional fee of £227 if a hearing date is set.

Note 8.2

Cases are dealt with as either fast or standard track, the tribunal will decide which:

Fast track - this is for simple cases that will not create a lot of paperwork or argument. Fast track cases are usually heard within 10 weeks of application.

Standard track - this is for more complicated cases with numerous issues to be decided, or where there is lots of paperwork involved. Standard track cases are usually heard within 20 weeks of application.

Availability

8.3 Are there any days when you or any expert or witness you are using cannot attend?

☐ Yes. **Please list them in the box below.**

☐ No

Dates on which you or they **will not be** available in the next 4 months

Support during your hearing

8.4 Do you, or anyone attending with you, need any adjustments?

☐ Yes. **Please list them in the box below.**

☐ No

Note 8.4

Some people need support to access information and use our services, for example:

- documents in alternative formats, colours and fonts
- help with communication, sight, hearing, speaking, interpretation or translation
- access and mobility support if a hearing takes place in person

This form gets copied to other parties, so use a separate document if you do not want to disclose anything.

Section 9 – Statement of truth

I believe that the facts stated in this form and any continuation pages are true.

Signature

Date

Day	Month	Year

Full name

Section 10 – Additional information

If you have not completed all sections of this form please tell us in the box below which sections have not been completed and why.

Application fee

What you need to pay

The application fee is **£114**

How to pay the fee

I have not included payment because

I have applied for help with fees online and my reference number is

H	W	F							
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I am applying for help with fees, see attached form EX160 'Apply for help with fees'

Other – please explain why

I want to pay by online banking

Email me details on how to pay, my email address is

I enclose a cheque or postal order, made payable to HMCTS

Note for application fee

You'll need to pay an additional fee of £227 when the hearing date is set.

You may be able to get help paying fees if you only have a small amount in savings, receive certain benefits or are on a low income.

See www.gov.uk/get-help-with-court-fees for more information.

Note for online banking

The tribunal will send you a reference number so you can make a payment online.

Fee account details – for use by legal professionals

Your account number

P	B	A							
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Your reference (if applicable)

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Checklist

I have completed the application fee section

List of documents that need to be included with the application:

a copy of the lease or a sample lease

Unless you complete all sections and provide all documentation, the tribunal **cannot** progress your application.

Contact details

Email your application and the documents from the Checklist to the relevant regional tribunal office address shown in the Annex 2 to this form.

If you cannot email, you can send the application by post.

Annex 1

Use this page to give information about each of the years mentioned in question 6.3, which are not covered in questions 6.4 to 6.6.

Use one sheet for each year:

Year

List the items of service charge that are in issue (or relevant) and their value

Note for Annex 1

If you are seeking a service charges determination for more than 3 years, use Annex 1 or a separate document.

Give a brief outline of your case so that the tribunal understands what your application is about.

The tribunal may ask for further details or documents to support your case.

Description of the question(s) you wish the tribunal to decide

Annex 2

List of addresses of tribunal regional offices

Northern region

Address:

HM Courts and Tribunals Service
First-tier Tribunal (Property Chamber)
Residential Property
1st Floor, Piccadilly Exchange
Piccadilly Plaza
Manchester
M1 4AH

Telephone: 01612 379491

Fax: 01264 785 128

Email address: RPNorthern@justice.gov.uk

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 and 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:

Cumbria, Durham, East Cheshire, Lancashire, Lincolnshire, Northumberland, North Yorkshire and West Cheshire.

Midland region

Address:

HM Courts and Tribunals Service
First-tier Tribunal (Property Chamber)
Residential Property
Centre City Tower
5-7 Hill Street
Birmingham
B5 4UU

For use by legal professionals:

DX 360601 Birmingham 5

Telephone: 0121 600 7888

Fax: 01264 785 122

Email address: RPMidland@justice.gov.uk

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 region

Address:

HM Courts and Tribunals Service
First-tier Tribunal (Property Chamber)
Residential Property
Cambridge County Court
197 East Road
Cambridge CB1 1BA

For use by legal professionals:

DX 97650 Cambridge 3

Telephone: 01223 841 524

Fax: 01264 785 129

Email address: RPEastern@justice.gov.uk

This office covers the following metropolitan districts: 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 region

Address:

HM Courts and Tribunals Service
First-tier Tribunal (Property Chamber)
Residential Property
Havant Justice Centre
The Court House
Elmleigh Road
Havant
Hants PO9 2AL

Telephone: 01243 779 394

Fax: 0870 7395 900

Email address: RPSouthern@justice.gov.uk

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 region

Address:

HM Courts and Tribunals Service
First-tier Tribunal (Property Chamber)
Residential Property
10 Alfred Place
London WC1E 7LR

For use by legal professionals:

DX 134205 Tottenham Court Road 2

Telephone: 020 7446 7700

Fax: 01264 785 060

Email address: London.RAP@justice.gov.uk

This office covers all the London boroughs.

For information on how HM Courts and Tribunals Service process and store your data visit:

www.gov.uk/hmcts/privacy-policy