



Leasehold 4

Variation of a lease or leases

Leaseholders or landlords can request an alteration to a lease.

Before you apply

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

- a copy of the relevant lease
- draft of the variation you want the tribunal to give you

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 tribunal office in **Annex 1**.

The tribunal cannot give legal advice on your case.

Serving the application

The law requires the applicant to serve a copy of this application on names and persons affected by the application.

Include a separate document with a list of the names and persons affected and served with notice of this application.

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.

Section 1 – Type of application

Request a decision under the Landlord and Tenant Act 1987.

Choose one of the options below:

Section 35

Vary the lease of one flat

Section 36

If a leaseholder has already applied and the tribunal has made an order and you want to make the same change to the leases of other flats in the building

Section 37

Vary two or more flat leases.

Use this application:

- where the application is for 8 or fewer leases to be varied. All or all but one of the parties must consent to the variation
- where the application is for 9 or more leases, the variation to the leases is not opposed by more than 10% of the total number of the parties concerned and at least 75% consent to the variation

Section 40

Vary the lease of a house if the conditions relating to insurance are not satisfactory

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

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

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).

Section 2 – Applicant’s information

2.1 Details of applicant

First name

Last name

Capacity

Company name (optional)

2.2 Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

2.3 Reference number for correspondence (optional)

2.4 Contact details

Phone number

Mobile number

Email address

Note for Section 2

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.

2.5 Details of applicant's representative (if any)

First name

Last name

Company name

Note 2.5

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.

2.6 Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

2.7 DX number for correspondence (optional)

2.8 Reference number for correspondence (optional)

2.9 Contact details

Phone number

Mobile number

Email address

Note 2.7

Not all regional tribunal offices use the DX service. See Annex 1 for offices that have DX numbers.

Section 3 – Property information

3.1 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

3.2 Reference number for correspondence (optional)

3.3 Brief description of the property

Note for Section 3

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 3.3

Add a short description of the property, for example:

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

Section 4 – Respondent’s information

4.1 Details of respondent

First name

Last name

Capacity

Company name (optional)

4.2 Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

4.3 Reference number for correspondence (optional)

4.4 Contact details

Phone number

Mobile number

Email address

Note for Section 4

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.

4.5 Details of respondent’s representative (if any)

First name

Last name

Company name

4.6 Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

4.7 DX number for correspondence (optional)

4.8 Reference number for correspondence (optional)

4.9 Contact details

Phone number

Mobile number

Email address

Note 4.7

Not all regional tribunal offices use the DX service. See Annex 1 for offices that have DX numbers.

Section 5 – Lease variation

5.1 Date the lease was granted

| Day | Month | Year |
|-----|-------|------|
| | | |

5.2 How many years was the lease was granted for?

5.3 The relevant terms of the lease that you want to vary

Note for Section 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.

5.4 Reasons for the application

Note 5.4

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

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.

5.5 Draft variation of the parts of the lease you are looking to change

Note 5.5

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.

Section 6 – Other applications

6.1 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 7 – 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.

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

Yes

No

Urgency of application

7.2 Is your case urgent?

No

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

Note 7.1

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 7.2

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

7.3 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

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

☐ Yes. Please list them in the box below.

☐ No

Note 7.4

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 8 – 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 9 – 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 | | | | | | | |
|---|---|---|--|--|--|--|--|--|--|

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 | | | | | | | |
|---|---|---|--|--|--|--|--|--|--|

Your reference (if applicable)

Checklist

I have served a copy of this application on all persons likely to be affected

I have completed the application fee section

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

a copy of the relevant lease

draft of the variation sought

For applications under Section 37 of the Landlord and Tenant Act 1987 only:

I enclose documents with details of the number of people consenting to or opposing the proposed variation. A document signed in pen or an email from the person consenting or opposing the proposed variation should be attached to this application. Also, make it clear on the document or email the property address where each person lives

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

Contact details

Email your application to the relevant regional tribunal office address shown in the Annex 1 to this form.

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

Serving the application

The law requires the applicant to serve a copy of this application on names and persons affected by the application.

Include a separate document with a list of the names and persons affected and served with notice of this application.

Annex 1

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