

Respondent’s notice

To an appeal against a decision of the First-tier Tribunal (Property Chamber), or a Leasehold Valuation or Residential Property Tribunal

Please read the attached guidance notes before completing this form

Respondent’s details

Title

Full name

Address

Postcode

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Phone no.

Fax no.

Email

Do you wish to receive correspondence about your case from the tribunal by email?

- ☐ Yes
- ☐ No

Respondent's solicitor or other representative

Full name

Address

Postcode

Phone no.

Fax no.

Email

My grounds for opposing the appeal (and, where permission to cross-appeal has been given, for cross-appealing) are set out in my attached statement of case

☐ Yes

☐ No

Type of procedure

I would like the appeal to be heard as:

☐ a review

☐ a rehearing

And by the

☐ Standard procedure

☐ Written representations procedure

I consider this procedure more suitable because:

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I intend to call an expert witness at the hearing of the appeal

- ☐ Yes
- ☐ No
- ☐ Possibly

I may wish to call more than one expert witness

- ☐ Yes
- ☐ No
- ☐ Possibly

Declarations, signature and date

I accept responsibility for the conduct of the case and the payment of fees that fall due.

Signed

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Print name

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Date

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After you have completed this form:

You can submit documents and track your case digitally online with the E-Filing service

<https://www.gov.uk/guidance/hmcts-e-filing-service-for-citizens-and-professionals>

If a party has appointed a professional representative, all forms and documents must be submitted to the tribunal using the E-filing service.

If you are not a professional representative you can send your documents to:

Upper Tribunal (Lands Chamber)

5th Floor

Rolls Building

Fetter Lane

London

EC4A 1NL

DX: 160042 Strand 4

Email: Lands@justice.gov.uk

Tel: 020 7612 9710

Fax: 0870 761 7751

And directly to the appellant.

Form guidance notes

Is this the right form?

- Use this form in relation to any appeal to the Upper Tribunal (Lands Chamber) from a decision of the First-tier Tribunal (Property Chamber) in England, or the decision of a Leasehold Valuation Tribunal or a Residential Property Tribunal in Wales.
- Please detach and keep these guidance notes. Please don't return them with the form when you file it.

When must the form be lodged?

- Where the tribunal whose decision is being challenged has given the appellant permission to appeal, the completed respondent's notice form, and your statement of case must be received at our offices within one calendar month after the date we sent you a copy of the appellant's notice of appeal and statement of case. No fee is payable if the form is lodged within time.
- Where the tribunal whose decision is being challenged has refused the appellant permission to appeal, but the Upper Tribunal has granted it, the completed form, and your statement of case must be received at our offices within one calendar month after the date you receive a copy of the appellant's statement of case. No fee is payable if the form is lodged within time.
- You must also send a copy of your respondent's notice and statement of case directly to the appellant, and confirm to us that you have done so.

What if I'm late?

- If you do not lodge this form and send a copy directly to the appellant within the time period prescribed, you will no longer be a party to the appeal, and if you want to continue as a party after that date you must then apply for permission to lodge it late (i.e permission to extend the time for lodging the respondent's notice).
- To make such an application you must give your reasons for requiring additional time, say how long you need and send a copy of your application to the appellant confirming to us that you have done so. You must also tell them that if they wish to object to your application they must write to us explaining why they object within 10 days of receipt of your application. In addition you must include an interlocutory application fee of £128.

The respondent

- A respondent must have been a party to the proceedings before the tribunal whose decision is being challenged.
- A respondent who wishes to act separately from other respondents must complete and lodge a separate respondent's notice.
- Where more than one person wishes to respond as part of a group acting together, the names and addresses of all respondents in the group must be stated. Attach a list separately if necessary.
- Where there is more than one respondent please indicate which of them is the person with whom we should correspond.

The respondent's solicitor or other representative

- If this section is completed all communications from the Tribunal and other parties regarding this appeal will be sent or delivered to the appointed solicitor or representative.
- A representative who is not a solicitor must enclose an authority to act signed by the persons they represent and confirming that the representative is appointed to represent them.

Grounds for opposing the appeal or making the cross appeal

Set out the points you wish to make in opposing the appeal or in making a cross-appeal in a separate document (a statement of case). It should address the grounds and points made by the appellant.

Your statement of case

- Please read paragraph 6 of the Practice Directions for guidance as to what the statement of case must contain.
- If you are unable to file your statement of case within the time specified you must apply for an extension of time in which to do so. You must give your reasons for requiring additional time and say how long you need. You must send a copy of your application to the appellant and confirm to the Tribunal that you have done so. You must also tell them that if they wish to object to your application they must write to the Tribunal explaining why they object within 10 days of receipt of your application. You must also pay an additional application fee of £128.

Type of procedure

Please see paragraph 4.3 of the Practice Directions on our website for an explanation of the different types of procedures the Tribunal uses and indicate which one you believe is the most appropriate one for this appeal.

Review or rehearing?

An appeal may proceed in one of two ways. The Tribunal will decide which procedure is appropriate after taking your views and the views of any the appellant into account.

- In an appeal by way of review the Upper Tribunal is asked to decide whether the decision of the tribunal whose decision is being challenged was correct, based on the evidence that was put before it. No evidence is heard by the Upper Tribunal in this process.
- In an appeal by way of rehearing, there is a full rehearing of the case, or part of the case, if permission to appeal is limited, with each party calling the evidence they rely upon to establish their case. The Tribunal may allow the parties to present new evidence that was not given before the tribunal whose decision is being challenged.

Expert witnesses

The rules limit the number of expert witnesses that a party may rely on. Normally parties are limited to relying on the evidence of one expert witness each for appeals. Permission is required from the Tribunal to call more than one expert witness.

Enclosures

- Additional fees, such as hearing or determination fees, may be payable during the course of the appeal. Please see the attached guidance note on fees.
- Please enclose a copy of any document that you want to rely on (except for the decision being challenged, which we already have). Please also note that do not have access to the files of the Tribunal whose decision is being challenged.