



Leasehold 6

Apply for an order that a breach of a lease has occurred

Landlords can apply for a decision that a breach of covenant or a lease condition has occurred by making an application under Section 168(4) of the Commonhold and Leasehold Reform Act 2002.

Guidance

Your tenants need to have a long lease to make this application.

A long lease usually means a lease granted for a term of more than 21 years. It is defined in sections 76 and 77 of the 2002 Act.

Do not use this form if the alleged breach is a failure to pay service charges or administration charges. Instead, use form Leasehold 1 or 3 respectively.

Before you apply

You will need a copy of the lease alleged to have been breached.

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

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.

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 would be landlord.

1.5 Details of applicant's representative

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)

1.8 Reference number for correspondence (optional)

1.9 Contact details

Phone number

Mobile number

Email address

Note 1.7

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

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

Reference number for correspondence (optional)

2.2 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 2.2

Add a short description of the property, for example:

- is the property a house or a flat
- 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 would be leaseholder.

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 tribunal offices use the DX service. See Annex 1 for offices that have DX numbers.

Section 4 – Details of covenant or condition in lease alleged to have been breached

- 4.1** Specify the particular covenant in the lease that is alleged to have been breached, and give details as to the nature of the alleged breach.

4.2 Has the tenant admitted to any aspect of the alleged breach?

No

Yes. **Give details below.**

Section 5 – Other applications

5.1 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 6 – 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.

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

Yes

No

Urgency of application

6.2 Is your case urgent?

No

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

Availability

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

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

Support during your hearing

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

Note 6.1

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 £300 if a hearing date is set.

Note 6.2

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.

Note 6.4

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 7 – 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 8 – 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 **£200**

How to pay the fee

I have not included payment because

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

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

Other – please explain why

Note for application fee

You'll need to pay an additional fee of £300 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.

I want to pay by online banking

Email me details on how to pay. My email address is

Note for online banking

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

I enclose a cheque or postal order made payable to HMCTS

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 that has been breached

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.

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

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

Telephone: 0121 600 7888

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

Telephone: 01223 841 524

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

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

Telephone: 020 7446 7700

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