



**APPLICATION FOR PERMISSION TO APPEAL AGAINST A DECISION OF A RESIDENTIAL PROPERTY TRIBUNAL (RPT)**

*First open out the whole sheet, then read the notes opposite the form*

**1. Type of Case**

← See Note 1 opposite

This appeal relates to a decision of an RPT concerning: *(tick one)*

- |   |   |
|---|---|
| <b>A.</b> Emergency remedial action or prohibition notice | <b>C.</b> House licence                 |
| <b>B.</b> Demolition order or clearance area declaration  | <b>D.</b> Other notice, order or matter |

**2. I am *(tick one)*:**

- |                                       |                                       |
|---------------------------------------|---------------------------------------|
| <b>A.</b> The Local Housing Authority | <b>B.</b> The Property Owner/Landlord |
|---------------------------------------|---------------------------------------|

**3. Name of Property Owner/Landlord** .....

← See Note 2 opposite

Address: .....

.....

.....

Telephone No. .... Fax No. ....

**4. Name of Property Owner/Landlord's solicitor or other representative** .....

← See Note 3 opposite

Address: .....

.....

.....

Telephone No. .... Fax No. .... Status .....

**5. Name of Local Housing Authority (LHA)** .....

← See Note 4 opposite

Address: .....

.....

.....

Telephone No. .... Fax No. ....

**6. Name of LHA's Solicitor or other Representative** .....

← See Note 5 opposite

Address: .....

.....

.....

Telephone No. .... Fax No. .... Status .....

**7. Description & Address of the property** .....

← See Note 6 opposite

Address: .....

.....

.....

**8. Residential Property Tribunal details**

← See Note 7 opposite

8A. Name of RPT .....

8B. RPT Appeal Number .....

**9. Date RPT decision refusing permission to appeal was sent to the parties**

← See Note 8 opposite

Date .....



**10. I would like my appeal to be heard as a (tick one): (see Note 9)**

- A. Review
- B. Review with a view to rehearing
- C. Rehearing

**11. Grounds of appeal**

*See Note A opposite*

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**12. Reasons for application for permission to appeal (tick one or more boxes)**

*See Note B opposite*

- (a) The decision shows that the RPT wrongly interpreted or wrongly applied the relevant law
- (b) The RPT took account of irrelevant considerations, or failed to take account of relevant consideration or evidence, or there was a substantial procedural defect
- (c) The point or points at issue is or are of potentially wide implications
- (d) Reasons other than (a) to (c) above

**13. Extension of time**

*See Note C opposite →*

Have more than 14 days elapsed since the date at 9 above? Yes      No

If so, you will need to ask for permission to proceed out of time. Apply by ticking this box: and giving the reasons for lateness here:

.....

.....

.....

**14. Procedure (if permission to appeal is granted) (tick one box for each question)**

*See Note D opposite →*

14A. I intend to call an expert witness at the hearing of the appeal: Yes      No

14B. I intend to apply for permission to call more than one expert witness at the hearing of the appeal: Yes      No

14C. The type of procedure I wish to be used in this appeal is:

- A. Standard procedure
- C. Simplified procedure
- B. Special procedure
- D. Written representation procedure

14D. The reason I wish to use this procedure is:

.....

.....

.....

**15. Fees**

*See Note E opposite →*

I have enclosed:

- the appeal fee of £50 Yes      No
- the application for permission to appeal fee of £40 Yes      No
- the extension of time application fee of a further £40 Yes      No



**16. Declaration, Signature and Date**

*See Notes F & G opposite →*

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

Signed ..... Name in Capitals .....

Date ..... Status .....



**Notes 1 to 9**

*First open out the whole sheet, then read all the notes before completing the form opposite. Refer also to the Lands Tribunal Explanatory Leaflet, Rules and Practice Directions.*

**Note 1 TYPE OF CASE`**

*See question 1 opposite →*

Use this form if the appeal relates to a decision of an RPT relating to *either* (A) emergency action taken by a Local Housing Authority or an emergency prohibition notice; *or* (B) a demolition order or declaration of a clearance area *or* (C) HMO or other house licence *or* (D) other matters such as prohibition, improvement or overcrowding notice or management order.

In all types of cases permission must first be sought from the RPT, and this application to the Lands Tribunal is required only if permission has been **refused** by the RPT. If permission was granted by the RPT, please file a Notice of Appeal (Form HA1).

**Note 2 NAME OF PROPERTY OWNER/LANDLORD**

*See question 2 opposite →*

Give the full name of the property owner or landlord who may be an individual person, a limited company or PLC, or a partnership. They **must** have been a party to the appeal before the RPT. The address should be their normal business address or postal address. If the address changes the Lands Tribunal should be notified at once. Please provide telephone and fax numbers.

**Note 3 NAME OF SOLICITOR OR REPRESENTATIVE**

*See question 3 opposite →*

If a representative is instructed to act, give their name and address, and indicate their status (e.g. solicitor or chartered surveyor). A representative other than a solicitor **must supply a written authority to act** that is signed by the property owner or landlord. If this form is being filed by a LHA, you may leave this section blank.

**Note 4 NAME AND ADDRESS OF THE LHA**

*See question 5 opposite →*

Give the full name and usual postal address of the Local Housing Authority.

**Note 5 NAME AND ADDRESS OF LHA'S REPRESENTATIVE**

*See question 6 opposite →*

Give the full name and address, telephone number and status (e.g. solicitor, housing officer) of the Local Housing Authority's representative, if any. If this form is being filed by the landowner or landlord, you may leave this section blank.

**Note 6 PROPERTY** *See question 7 opposite →*

Give the description of the property to which the decision of the RPT relates (e.g. house, flat, block of flats) and the normal postal address.

**Note 7 RESIDENTIAL PROPERTY TRIBUNAL DETAILS**

*See question 8 opposite →*

Give the name of the RPT, the date of issue of the disputed decision, and the RPT appeal number. A copy of the decision **must** be attached to this notice. If there were a series of related appeals, it is important to distinguish carefully the particular appeal to which this notice relates. A copy of the RPT refusal of permission must also be attached to this notice.

**Note 8 DATE WHEN RPT DECISION REFUSING PERMISSION TO APPEAL WAS SENT TO PARTIES**

*See question 9 opposite →*

Give the date on which the RPT refused permission to appeal. An application for permission to appeal may be made to the Lands Tribunal **only** if you have previously sought permission from the RPT and been refused: see Note 1 above. It must be made within 14 days of the sending of the refusal (but see Note C on page 3). A copy of the RPT notice of refusal of permission must be attached to this form.



**Note 9 REVIEW OR REHEARING**

When an appeal proceeds to a hearing before a Tribunal member there are three ways in which that hearing may proceed. If the case is an **appeal by way of review**, no further evidence is heard and the Tribunal is asked to give a decision on whether the RPT correctly applied the law to the evidence at the earlier hearing.

If the case is an **appeal by way of review with a view to rehearing**, no further evidence is heard, but if the Tribunal is satisfied that the RPT incorrectly applied the law or that the earlier hearing contained serious procedural errors, a new hearing is held before the Tribunal.

If the case is an **appeal by way of rehearing**, the case is completely reheard, with each party calling all the evidence they rely upon to establish their case. The Tribunal may at its discretion allow the parties to present new evidence, which was not given before the RPT. The Tribunal will take into account the way you wish your appeal to be heard, but the Tribunal will make the decision.



## Lands Tribunal

### APPLICATION FOR PERMISSION TO APPEAL AGAINST A DECISION OF A RESIDENTIAL PROPERTY TRIBUNAL (RPT)

**NOTES A to G** *First open out the whole sheet, then read all the notes before completing the form.*

#### **Note A GROUNDS OF APPEAL**

← *See question 11 opposite*

Using numbered points state briefly why you say that the decision of the RPT is wrong. You may attach an additional sheet if necessary. If permission to appeal is given, this form will be your notice of appeal. At the hearing of the appeal, you may rely only on the grounds stated, unless you apply for, and the Lands Tribunal grants, permission to put forward additional grounds.

#### **Note B REASONS FOR APPLICATION FOR PERMISSION TO APPEAL**

← *See question 12 opposite*

Permission to appeal will be granted **only** if it appears to the Lands Tribunal there are reasonable grounds for concluding that the decision of the RPT may have been wrong for one or more of reasons (a) and (b) or if the point or points at issue are of potentially wide implication, reason (c). It is for you as the applicant to satisfy the Tribunal on one or more of these reasons, or, under reason (d), you must establish that there are other reasons why permission should be given. **Your arguments should be set out fully under each of the reasons you rely on, using an additional sheet or sheets.**

#### **Note C EXTENSION OF TIME**

← *See question 13 opposite*

If you are within the 14 day time limit for applying for permission, confirm this by ticking NO. If you are out of time, you must also apply for permission to proceed out of time by ticking the box. Give the reasons why you are late, in the space provided. An extra £40 fee is payable (see Note E below).

#### **Note D PROCEDURE**

← *See question 14 opposite*

You need to indicate whether you wish to call an expert witness at the hearing by ticking the boxes as appropriate in the event permission to appeal is granted. The Tribunal will tell you when the witness documents have to be sent in. If permission is granted and you wish to call more than one expert witness, you must file with the Tribunal and serve upon the other party a written application for permission and explain why you need to call more than one expert.

Most cases follow the **Standard Procedure**; if you think your appeal should follow the **Simplified Procedure**, the **Special Procedure**, or the **Written Representations Procedure** tick the box and explain why one of these other procedures should apply. See the Lands Tribunal Explanatory Leaflet for more information about the different procedures.

#### **Note E FEES**

← *See question 15 opposite*

The basic lodging fee is £50 per appeal (refundable if permission refused) and £40 per application for permission (nonrefundable) and a further £40 per application for an extension of time (non-refundable). Cheques must be made payable to "**Tribunal Service**". Further fees may be payable later on.

#### **Note F DECLARATION, SIGNATURE AND DATE**

← *See question 16 opposite*

The form must be signed and dated by the applicant, or the applicant's solicitor or representative. The signer thereby accepts responsibility for the payment of fees incurred.

#### **Note G HOW MANY COPIES AND WHERE TO SEND THEM**

← *See question 16 opposite*

Attach to this notice: the fee, a copy of the RPT decision appealed against, and a copy of the RPT decision refusing permission to appeal. Provide two additional copies of this notice for service upon the other party and upon the RPT. Please send the papers to:

**The Registrar, Lands Tribunal, 43-45 Bedford Square London WC1B 3AS  
DX: 149065 Bloomsbury 9 Tel: 020 7612 9710, Fax: 020 7612 9723**