

LANDS TRIBUNAL

LR / /

NOTICE OF APPLICATION FOR PERMISSION TO APPEAL/ NOTICE OF APPEAL AGAINST A DECISION OF A LEASEHOLD VALUATION TRIBUNAL

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 a Leasehold Valuation Tribunal concerning: (tick one)

A. Leasehold enfranchisement

B. Other matters

2. Name of Applicant/Appellant

← [see Note 2 opposite]

Address:

.....

.....

Telephone No. Fax No.

3. Name of Applicant/Appellant's solicitor or other representative.....

← [see Note 3 opposite]

Address:

.....

.....

Telephone No. Fax No. Status

4. Name(s) and address(es) of potential Respondent(s) and their representative(s)

← [see Note 4 opposite]

Name:

Address:

.....

.....

Telephone No. Fax No.

5. Description & Address of the property

← [see Note 5 opposite]

Address

.....

.....

6. Leasehold Valuation Tribunal Details

← [see Note 6 opposite]

6A. Name of Leasehold Valuation Tribunal.....

6B. LVT Appeal Number

6C. Date of main LVT Decision was sent to Applicant/Appellant.....

7. I would like my appeal to be heard as a (tick one):
← [see Note 7 opposite]

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

8. Date when LVT Decision granting or refusing permission to appeal was sent to Applicant/Appellant [see Note A opposite] →

Date..... Permission granted Permission refused

9. Grounds of appeal [see Note B opposite] →

.....

.....

.....

.....

.....

10. Reasons for application for permission to appeal [see Note C opposite] →
(tick one or more boxes)

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

11. Extension of time [see Note D opposite] →

Have more than 28 days (14 if LVT refused permission) elapsed since the date a 7 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:.....

.....

.....

12. Type of Procedure Arrangements (if permission to appeal is granted) [see Note E opposite] →
(tick one box on each line)

- 12A Do you intend to call an expert witness at the hearing of the appeal? Yes No
- 12B Do you intend to apply for permission to call more than one expert witness at the hearing of the appeal? Yes No
- 12C Which type of procedure do you wish to be used in this appeal?
Standard procedure Special procedure Simplified procedure Written representation procedure

13. Fees [see Note F opposite] →

Have you enclosed: the appeal fee of £50 plus the application for leave fee of £40? Yes No
the extension of time application fee of a further £40? Yes No

14. Declaration, Signature and Date [see Note G opposite] →

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

Signed Name in Capitals

Date Status

NOTICE OF APPLICATION FOR LEAVE TO APPEAL AGAINST A DECISION OF A LEASEHOLD VALUATION TRIBUNAL:

NOTES 1 to 8

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

Note 1 **TYPE OF CASE**

See question 1 opposite →

Use this form if the appeal relates to a decision of a Leasehold Valuation Tribunal relating to either (A) the price payable by the leaseholder to the freeholder upon the enfranchisement of the leasehold; or (B) other matter such as service charges, insurance or the appointment of a manager. In both types of case permission must first be sought from the LVT, and application to the Lands Tribunal is required only if permission has been refused by the LVT. **This form must be used whether permission to appeal has been granted or refused by the LVT.**

Note 2 **NAME OF APPLICANT**

See question 2 opposite →

Give the full name of the applicant/appellant (i.e. the person appealing or seeking permission to appeal), who may be an individual person, a Limited Company or PLC, or a partnership or firm. They **must** have been a party to the appeal before the LVT. The address should be the normal business address or postal address of the applicant/appellant. If the address changes the Lands Tribunal should be notified at once. It is helpful to give telephone and fax numbers.

Note 3 **NAME OF APPLICANT'S SOLICITOR OR REPRESENTATIVE**

See question 3 opposite →

If a representative is instructed to act, give the 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 applicant/appellant.

Note 4 **NAMES AND ADDRESSES OF POTENTIAL RESPONDENTS**

See question 4 opposite →

Give the full name and address of the potential respondent(s) (i.e. other person(s) who were parties to LVT appeal) and representative(s) if applicable. It is helpful if you provide sufficient copies of the Notice of Application for permission to Appeal / Notice of Appeal for service upon each of the other parties to the proceedings and upon the Leasehold Valuation Tribunal.

Note 5 **PROPERTY**

See question 5 opposite →

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

Note 6 **LEASEHOLD VALUATION TRIBUNAL DETAILS**

See question 6 opposite →

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

Note 7 **REVIEW OR REHEARING**

See question 7 opposite →

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 LVT 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 the Tribunal is satisfied that the LVT 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.

Note 8 WHERE TO SEND IT

Remember to attach to the notice: the fee, a copy of the LVT decision appealed against, and a copy of the LVT decision granting or refusing permission to appeal. 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

NOTICE OF APPLICATION FOR PERMISSION TO APPEAL/NOTICE OF APPEAL AGAINST A DECISION OF A LEASEHOLD VALUATION TRIBUNAL:

NOTES A to G

First open out the whole sheet, then read all the notes before completing the form opposite

Note A DATE OF REFUSAL OF LEAVE TO APPEAL

← *See question 8 opposite*

Give the date on which the LVT granted or 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 LVT and been refused: see Note 1 on page 4. It must be made within 14 days of sending of the refusal (but see Note D below). If the LVT has granted permission, this form will serve as your notice of appeal, and must be submitted with 28 days grant. A copy of the LVT notice of grant or refusal of permission must be attached to this form.

Note B GROUNDS OF APPEAL

← *See question 9 opposite*

State briefly (in numbered points) why you say that the decision of the LVT is wrong. If permission to appeal is given, (Granted) this form will be your notice of appeal. At the hearing of the appeal, you may rely only on the grounds stated, unless the Lands Tribunal permits additional grounds to be put forward. You may attach an additional sheet if necessary.

Note C REASONS FOR APPLICATION FOR LEAVE TO APPEAL

← *See question 10 opposite*

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

Note D EXTENSION OF TIME

← *See question 11 opposite*

If you are within the 14/28 days time limit for applying, (depending on whether leave was refused or granted), confirm this by ticking NO. If you are out of time, you may 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 F below).

Note E HEARING ARRANGEMENTS (if leave to appeal is granted)

← *See question 12 opposite*

If permission to appeal is granted and your case proceeds as an appeal, you need to indicate whether you wish to call an expert witness at the hearing by ticking the boxes as appropriate. The Tribunal will tell you when the witness documents have to be sent in. If you wish to call more than one expert witness, the Tribunal will contact you about it. 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 the Tribunal will contact you about it**. See the Lands Tribunal Explanatory Leaflet for more information about the procedures.

Note F FEES

← *See question 13 opposite*

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

Note G DECLARATION, SIGNATURE AND DATE

← *See question 14 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.