



HM Courts  
& Tribunals  
Service

**Property Chamber  
London Residential Property  
First-tier Tribunal**

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Judge & Priestley  
**DX: 117600 Bromley 7**

Your ref: MDO/JGR/CAMD009/0265

Our ref: LON/00AG/LDC/2017/0134

Date: 7 March 2018

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Dear Sirs

**RE: LANDLORD & TENANT ACT 1985 - SECTION 20ZA**

**PREMISES: ALL LEASEHOLDERS IN THE LONDON BOROUGH OF  
CAMDEN**

The Tribunal has made its determination in respect of the above application and a copy of the document recording its decision is enclosed.

**The Judge has asked me to remind you that the decision is to be issued in line with paragraph 3 of the Tribunal's further directions dated 12 January 2018.**

Any application from a party for permission to appeal to the Upper Tribunal (Lands Chamber) must normally be made to the Tribunal within 28 days of the date of this letter. If the Tribunal refuses permission to appeal you have the right to seek permission from the Upper Tribunal (Lands Chamber) itself.

If you are considering appealing, you are advised to read the note attached to this letter.

Yours sincerely  
**Ms Margaret Egenti**  
Tribunal Officer

## First-tier Tribunal, Property Chamber Residential Property

### GUIDANCE ON APPEAL

- 1) An appeal to the Upper Tribunal against a decision of a First-tier Tribunal (Property Chamber) can be pursued only if **permission to appeal** has been given. Permission must initially be sought from the First-tier Tribunal. If you are refused permission to appeal by the First-tier Tribunal then you may go on to ask for permission from the Upper Tribunal (Lands Chamber).
- 2) An application to the First-Tier Tribunal for permission to appeal must be made **so that it is received by the Tribunal within 28 days after the date on which the Tribunal sends its reasons for the decision.**
- 3) If made after the 28 days, the application for permission may include a request for an extension of time with the reason why it was not made within time. Unless the application is made in time or within granted extended time, the tribunal must reject the application and refuse permission.
- 4) You must apply for the permission **in writing**, and you must:
  - identify the case by giving the address of the property concerned and the Tribunal's reference number;
  - give the name and address of the applicant and any representative;
  - give the name and address of every respondent and any representative
  - identify the decision or the part of the decision that you want to appeal;
  - state the grounds of appeal and state the result that you are seeking;
  - sign and date the application
  - send a copy of the application to the other party/parties and in the application record that this has been done

The tribunal may give permission on limited grounds.

- 5) When the tribunal receives the application for permission, the tribunal will first consider whether to review the decision. In doing so, it will take into account the overriding objective of dealing with cases fairly and justly; but it cannot review the decision unless it is satisfied that a ground of appeal is likely to be successful.
- 6) On a review the tribunal can
  - correct accidental errors in the decision or in a record of the decision;

- amend the reasons given for the decision;
- set aside and re-decide the decision or refer the matter to the Upper Tribunal;
- decide to take no action in relation to the decision.

If it decides not to review the decision or, upon review, to take no action, the tribunal will then decide whether to give permission to appeal.

- 7) The Tribunal will give the parties written notification of its decision. **If permission to appeal to the Upper Tribunal (Lands Chamber) is granted**, the applicant's notice of intention to appeal must be sent to the registrar of the Upper Tribunal (Lands Chamber) so that it is received by the registrar within **28 days** of the date on which notice of the grant of permission was sent to the parties.
- 8) **If the application to the Property Chamber for permission to appeal is refused**, an application for permission to appeal may be made to the Upper Tribunal. An application to the Upper Tribunal (Lands Chamber) for permission must be made within **14 days** of the date on which you were sent the refusal of permission by the First-tier Tribunal.
- 9) The tribunal can **suspend the effect of its own decision**. If you want to apply for a stay of the implementation of the whole or part of a decision pending the outcome of an appeal, you must make the application for the stay at the same time as applying for permission to appeal and must include reasons for the stay. You must give notice of the application to stay to the other parties.

**These notes are for guidance only. Full details of the relevant procedural provisions are mainly in:**

- the Tribunals, Courts and Enforcement Act 2007;
  - the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013;
  - The Tribunal Procedure (Upper Tribunal)(Lands Chamber) Rules 2010.
- You can get these from the Property Chamber or Lands Chamber web pages or from the Government's official website for legislation or you can buy them from HMSO.

*The Upper Tribunal (Lands Chamber) may be contacted at:*

*5<sup>th</sup> Floor, Rolls Building, 7 Rolls Buildings  
Fetter Lane, London EC4A 1NL*

*Tel:* 0207 612 9710

*Goldfax:* 0870 761 7751

*Email:* [lands@hmcts.gsi.gov.uk](mailto:lands@hmcts.gsi.gov.uk)

The Upper Tribunal (Lands Chamber) form (T601 or T602), Explanatory leaflet and information regarding fees can be found on [www.justice.gov.uk/tribunals/lands](http://www.justice.gov.uk/tribunals/lands).



**FIRST-TIER TRIBUNAL  
PROPERTY CHAMBER  
(RESIDENTIAL PROPERTY)**

**Case Reference** : **LON/00AG/LDC/2017/0134**

**Property** : **Various leasehold properties in the  
London Borough of Camden**

**Applicant** : **London Borough of Camden**

**Respondent** : **The long leaseholders of London  
Borough of Camden**

**Present at  
hearing/Representatives** : **Mr J Upton (Counsel) instructed by  
Judge & Priestly Solicitors for L.B.  
Camden  
Mr D Hart (leaseholder)**

**Type of Application** : **Dispensation from consultation**

**Tribunal Judge** : **Mr M Martyński**

**Dates of Hearing** : **28 February 2018**

**Date of Decision** : **6 March 2018**

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**DECISION**

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## **DECISION SUMMARY**

1. Dispensation is granted in respect of a proposed long-term agreement for the supply of electricity to leasehold properties, buildings and common areas in L.B. Camden. The details of the dispensation are set out at the end of this decision.

## **BACKGROUND**

2. In common with other local authorities and public housing providers, Camden has procured electricity supplies using a framework agreement to secure 'Fixed-Term Fixed-Priced' contracts. Before entering into the contracts, various suppliers are compared over a range of pricing and contract length options and the most competitive one is chosen for a fixed period.
3. The framework used by Camden is a public sector buying organisation known as LASER. This organisation provides access to a number of pre-approved energy suppliers.
4. Camden's current agreement in respect of electricity runs to 30 September 2018.
5. After the market is surveyed, the price and contract options are said to be typically available for 24-48 hours – too short a period for consultation with leaseholders. Further, according to Camden, it is also sometimes necessary to accept prices for additions to the contract (i.e. new build properties or conversions of existing properties) at very short notice – again too short for consultation with leaseholders.
6. Following directions given on this application, the tribunal received a number of submissions. Of those who made submissions, only one person, Mr Hart, attended the hearing. Mr Hart's submissions were by far the most detailed and most relevant of all those received.
7. Apart from Mr Hart, 26 leaseholders responded to the application. Of those responses, many were not relevant to the decision in this matter and any that were relevant were responded to satisfactorily by Camden. Only Mr Hart's submissions needed to be taken into account in the decision. At the hearing, Mr Hart and Camden reached agreement as to modified dispensation to be given and as to the conditions to be attached.

## **Decision**

8. Having considered the proposals from Camden, as modified after taking into consideration Mr Hart's submissions, I am satisfied that dispensation should be granted in this case in the following terms.

In respect of the proposed contract for the supply of electricity for the use of various leaseholders in the Borough, the London Borough of Camden are granted dispensation in respect of the following paragraphs of Schedule 2 of the Service Charges (Consultation Requirements) (England) Regulations 2003:-

4(2) providing the name and address of the other party to the contract and any connection it has with Camden

4(4) providing an estimate of the relevant contribution to be incurred by the tenant

4(5) providing an estimate of the total amount of expenditure under the proposed agreement

4(6) providing a statement of the current unit cost or hourly or daily rate applicable

4(7) providing a statement of the reasons why Camden cannot comply with sub-paragraph 4(6)(b) and the date by which an estimate can be provided

4(9) confirming the intended duration of the agreement

On the following conditions:-

A. Camden is to provide to leaseholders within 21 days of entering into a contract information about;

i. the name of the energy supplier

ii. the date of the agreement

iii. the contract duration

iv. the date on which supply starts

v. the date on which the contract period ends

by uploading that information on its website

B. Camden is to provide free of charge to any leaseholder requesting it, a copy of the supply agreement which Camden has entered into with an energy supplier

9. A copy of this decision is to be up-loaded on to Camden's website.

**Mark Martyński, Deputy Regional Tribunal Judge**  
**5 March 2018**

#### **ANNEX - RIGHTS OF APPEAL**

1. If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber) then a written application for permission must be made to

the First-tier Tribunal at the Regional office which has been dealing with the case.

2. The application for permission to appeal must arrive at the Regional office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.
3. If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal, and state the result the party making the application is seeking.