

FIRST TIER TRIBUNAL (PROPERTY CHAMBER)

GUIDANCE FOR USERS DURING COVID-19 PANDEMIC

Introduction

1. The purpose of this guidance is to notify users of plans for handling Property Chamber cases during the Coronavirus Pandemic. This guidance represents our plans as they are currently being implemented and if there is any significant change we will seek to give an update. Users will appreciate however that we are operating in a challenging environment and prompt communication may not always be possible.
2. The rest of this paper describes our plans. Their implementation depends upon the co-operation of the parties and we would remind users of the requirement in the Property Chamber rules to assist the Tribunal in discharging the overriding objective to decide cases fairly and justly. The text of the overriding objective is included at the end of this document.

Face to Face Hearings

3. We will conduct no further face to face hearings or mediations until further notice. Any hearings or mediations that we do convene will be carried out remotely for example, using Skype for Business, CVP (Cloud Video Platform) or by telephone. Alternatively, we will make determinations on consideration of documents alone.

Inspections

4. It has been agreed with the Senior President of Tribunals that for at least six months no inspections of premises or property will be carried out by the Tribunal

Email

5. The administration of our cases depends on the input of administrative staff as well as the availability of judiciary. Although we are exploring ways to continue working even if the Tribunal offices are shut, we know that we will not be able to provide a full service. We will do our best to keep cases under review and in good order however, **please only communicate with the Tribunal when necessary and please use email**. Although you may already have the email address for a member of the Tribunal's administrative staff, please use the generic email addresses for future communications. The email addresses for each Tribunal office can be found at Annex A to this note.

Our Current Caseload

6. Cases fall into a number of categories and broadly speaking this is how we propose to deal with them:

A. Applications and Appeals Already Listed for Face to Face Final Hearing

All cases listed for face to face final hearings up until at least the end of May have been or will be postponed. We intend to re-list those cases in one of a number of ways:

- (a) We may be able to offer a hearing using remote technology such as Skype for Business CVP (Cloud Video Platform) or telephone conferencing.
- (b) Alternatively, and with the consent of the parties we may offer to decide the case on consideration of documents alone.

In either case we will review the directions for hearing and if necessary will give further directions. If neither of these alternatives is appropriate then we will re-list the case for a face to face hearing but cannot at this stage say when that will occur.

As to timing, we believe that it will take us several weeks to secure suitable means of offering remote hearings and therefore parties should not expect to hear from us for at least six weeks.

Before the end of May, we will decide whether any face to face hearings listed after that day will also need to be postponed.

Urgent Cases

If you have a case which has already been listed for hearing and consider that it cannot be delayed please email the Tribunal, with a copy to any other party, setting out the reason for urgency and indicating whether you seek an urgent remote hearing or whether you are content for the case to be dealt with on consideration of documents alone. Please put URGENT in the Subject line of your email and quote the case reference number of the matter.

B. Applications and Appeals Already Lodged with the Tribunal but not yet Listed for Hearing.

If a Directions Order has already been made, then parties should seek to comply with the Directions. However, it must be appreciated that the impact of Coronavirus on all parties may well mean that there will be delays in compliance. In due course we plan to review the Directions already given and will consider how to move the case on to final determination. Where possible and appropriate we will decide the case remotely or on the consideration of documents alone. It is unlikely that we will be able to start the process of reviewing decisions for at least six weeks.

Urgent Cases

If your case has not been listed for hearing but you consider that it cannot be delayed please email the Tribunal with a copy to any other party setting out the reason for urgency and indicating whether you seek an urgent remote hearing or whether you are content for the case to be dealt with on

consideration of documents alone. Please put URGENT in the Subject line of your email and quote the case reference number of the matter.

If a Directions Order has not yet been made in your case we will consider it in due course and decide how best to achieve a final determination. We will therefore either issue Directions or convene a remote Case Management Hearing, probably by telephone. It is unlikely that we will be able to issue Directions or hold a new CMH for at least six weeks.

Urgent Cases

If you consider that your case cannot be delayed please email the Tribunal with a copy to any other party setting out the reason for urgency and indicating whether you seek an urgent remote hearing or whether you are content for the case to be dealt with on consideration of documents alone. Please put URGENT in the Subject line of your email and quote the case reference number of the matter.

If you have already been notified that a CMH has been listed, then it will either be postponed or changed to a telephone CMH. If you have not been contacted by the Tribunal within 48 hours before the CMH is due, please contact us by email.

C. *Cases Where a Hearing/Paper consideration has already taken place.*

If your case has been heard and that hearing has concluded or if your case was to be determined on consideration of papers alone, then the Tribunal's decision will be issued to you by post or email. Because of the impact of Coronavirus there may be a delay in the decision being completed or a delay in its being issued.

If your case has been heard but the hearing was not concluded, any adjourned hearing will not be conducted face to face. The Tribunal will issue further Directions setting out how the case is to be brought to a conclusion.

New Applications and Statutory Appeals

D. *All Cases*

Applications and Appeals should be lodged using **email** to the addresses listed in Annex A. If you do not have access to email and cannot find someone to assist you in lodging your application in this way then a paper application will be acceptable but in the event that the Tribunal office is closed, this will mean that there will be a delay in dealing with the case. This will not be suitable in urgent cases.

E. *Fees*

From 29th April 2020, a person making an application or appeal to the Tribunal which requires a fee to be paid will be able to pay the application fee by **on-line banking**.

The date that the application or appeal is lodged with the Tribunal will be regarded as the relevant date of receipt for any statutory time limit purposes. Applicants then have 14 days to pay the application fee.

Following receipt of the application or appeal and if the applicant has indicated that they wish to pay the fee by on-line banking, the office will email the applicant with the details needed for an online payment to be made.

Payment of hearing fees by on-line banking will also be available if this is requested in response to a notice of hearing. The office will email the details needed for an on-line payment (which will be different to those for an application fee payment).

F. Urgent Cases

Urgent applications must be made by email. Please mark the application as urgent and explain the reason for urgency. We will deal with urgent applications as soon as we are able. If you do not receive an acknowledgment within 72 hours please email again. Please put URGENT in the Subject line of your email and quote the case reference number of the matter.

Appealing an FTT Decision to the Upper Tribunal (Lands Chamber)

G. Appealing an FTT Decision

The time limits and procedures for seeking permission to appeal a Tribunal determination have not changed except that applications for permission should be made **by email** to the addresses listed in Annex A. If you do not have access to email and cannot find someone to assist you in lodging your application in this way then a paper application will be acceptable but in the event that the Tribunal office is closed, this will mean that there will be a delay in dealing with the case.

H. Upper Tribunal (Lands Chamber)

Any notice of appeal or renewed application for permission to appeal to the Upper Tribunal (Lands Chamber), should where possible, be sent **by email** to Lands@justice.gov.uk, as this will enable the Upper Tribunal (Lands Chamber) to deal with it more efficiently. Alternatively, the Upper Tribunal (Lands Chamber) may be contacted at: 5th Floor, Rolls Building, 7 Rolls Buildings, Fetter Lane, London EC4A 1NL (tel: 020 7612 9710).

Overriding objective and parties' obligation to co-operate with the Tribunal

3.—(1) The overriding objective of these Rules is to enable the Tribunal to deal with cases fairly and justly.

(2) Dealing with a case fairly and justly includes—

(a) dealing with the case in ways which are proportionate to the importance of the case, the complexity of the issues, the anticipated costs and the resources of the parties and of the Tribunal;

(b) avoiding unnecessary formality and seeking flexibility in the proceedings;

(c) ensuring, so far as practicable, that the parties are able to participate fully in the proceedings;

(d) using any special expertise of the Tribunal effectively; and

(e) avoiding delay, so far as compatible with proper consideration of the issues.

(3) The Tribunal must seek to give effect to the overriding objective when it—

(a) exercises any power under these Rules; or

(b) interprets any rule or practice direction.

(4) Parties must—

(a) help the Tribunal to further the overriding objective; and

(b) co-operate with the Tribunal generally.

ANNEX A
GENERIC EMAIL ADDRESSES

Residential Property Cases

Eastern Region

rpeastern@justice.gov.uk

London Region

London.Rap@justice.gov.uk

Midland Region

rpmidland@justice.gov.uk

Northern Region

rpnorthern@justice.gov.uk

Southern Region

rpsouthern@justice.gov.uk

Land Registration Cases

landregistration@justice.gov.uk

Agricultural Land & Drainage Cases

aldgeneralenquiries@justice.gov.uk