

FIRST TIER TRIBUNAL (PROPERTY CHAMBER)

GUIDANCE FOR USERS DURING COVID 19 PANDEMIC

Introduction

1. The purpose of this guidance is to inform users of how we are handling Property Chamber cases during the Coronavirus Pandemic. This guidance represents our practice as 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 practice. Its success 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.

Hearings

3. We will conduct hearings or mediations remotely for example, using Skype for Business, CVP (Cloud Video Platform), FVH (Full Video Hearings) MS Teams or by telephone. We will also continue to make determinations on the consideration of documents alone (paper determinations). Face to face hearings or mediations will be held in a limited number of cases from September 2020. The decision on the way in which a hearing will be convened, including the decision whether or not to hold a face to face hearing, is a judicial decision and will be made in accordance with the overriding objective.
4. Members of the public who wish to observe a hearing, including a remote hearing may make a request by sending an email to the Tribunal in good time before the date that the case is listed to be heard and where reasonably practical the Tribunal will make appropriate arrangements to allow access. Details of listed cases can be found at <https://www.gov.uk/government/publications/first-tier-tribunal-property-chamber-residential-property-hearing-lists>
5. Due to the need to maintain social distancing, we are unable to accommodate more than a very limited number of people at a face to face hearings. We will not be able to provide conference room or waiting facilities and will ask that parties and their

representatives arrive close to the starting time for the hearing. Face coverings must be used in all parts of the building, including the hearing room unless the judge gives permission for them to be removed.

Inspections

6. Inspections of premises or property will be carried out at the discretion of the Tribunal. We will take all relevant considerations into account, including:
 - (i) the representations of the parties;
 - (ii) the need for appropriate social distancing; and
 - (iii) whether an inspection is essential to deal with the case fairly and justly and in accordance with the overriding objective.

Conditions on how the inspection shall be conducted may be imposed including a direction that the parties shall not be entitled to accompany the judge /valuer chair or Tribunal members.

As a substitute or in addition to an inspection, the parties may be permitted or directed to produce photographs and/or videos of the property or land.

If a site inspection is essential to deal with the case fairly and justly but cannot be accommodated safely the case may, if necessary, be stayed.

Email

7. The administration of our cases depends on the input of administrative staff as well as the availability of judiciary. Although we have found 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 and provide attachments in word format.** 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.

General Case Management

8. During the pandemic we have been able to continue to manage cases. Initially we considered it necessary to suspend all face to face hearings and mediations in order to secure the safety of users, judiciary and staff. Also, the London and Southern offices were closed. All offices have now re-opened and we have developed new ways of working. Although there may still be unusual delays in dealing with applications and inquiries we are confident that we will be able to provide a reasonable service. To facilitate our ability to deal with case management applications and requests [in Residential Property cases], we have drafted two new forms which we would ask parties to use when communicating with the Tribunal. These can be found at <https://www.gov.uk/government/collections/residential-property-first-tier-tribunal-forms> The purpose of the forms is to provide clarity for all concerned but also to avoid correspondence in email “chains.”
9. In any event when communicating with the Tribunal, please submit applications and documents in **Word** format as this is more easily compatible with our electronic case management system.
10. Although we are now in a better position to deal with our caseload we are unable to provide a full service to users and inevitably there may be a delay in dealing with case management requests.

New Applications and Statutory Appeals

All Cases

11. Applications and Appeals should be lodged using **email** and where at all possible in **Word** format 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. This will not be suitable in urgent cases.

Fees

12. Where an application or appeal to the Tribunal requires a fee to be paid this can be done using **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.

13. 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.
14. 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).

Urgent Cases

15. 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 3 working days please email again. Please put **URGENT** in the Subject line of your email and quote the case reference number of the matter.

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

Appealing a FTT Decision

16. 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.

Upper Tribunal (Lands Chamber)

17. 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