



Y Tribiwnlys Eiddo Preswyl
Residential Property Tribunal

Application Form S27A (and S19) of the Landlord and Tenant Act 1985

Application for a determination as to liability to pay and reasonableness of variable service charges

It is important that you read the notes below carefully before you complete this form.

Please write clearly in BLACK ink and tick boxes where appropriate.

This application form is also available in Welsh. Please contact the tribunal office for a Welsh version of this form.

Service Charge

An amount payable by a tenant of a dwelling directly or indirectly for; services, repairs, maintenance, improvements, insurance or the landlord's costs of management as part of, or in addition to, the rent.

This is the correct form to use if you are a landlord or a tenant and you wish to make one of the following applications:

1. to determine whether a variable service charge is payable and, if so, the extent to which the costs were reasonably incurred or
2. where the service charge is payable before the costs have been incurred, the reasonable amount payable.

If the Tribunal finds that a variable service charge is payable, it can also determine:

- the person by whom it is payable
- the person to whom it is payable
- the amount which is payable (this is limited to what is reasonable)
- the date at or by which it is payable
- the manner in which it is payable

Documents

You must send the following documents ("required documents") with this application:

- a copy of the lease
- a copy of the demand(s) for the service charges including the summaries of Rights and Obligations which accompanied it/them (if any).

Failure to send any required documents might make this application invalid.

Please do not send any other documents at this time. If and when further documents, information or evidence are needed, you will be asked to send them separately

Application Fee

Unless you are entitled to a waiver or reduction, you must send the application fee with the application and the required documents.

The amount of the application fee will depend on the total amount of service charges that is in dispute. To find out how much you will need to pay you should consult the following table:

Amount of Service Charge in dispute	Application Fee
Not more than £500	£50
More than £500 but not more than £1,000	£70
More than £1,000 but not more than £5,000	£100
More than £5,000 but not more than £15,000	£200
More than £15,000	£350

The fee must be paid by crossed cheque made payable to or a postal order drawn in favour of the “National Assembly for Wales”.

Do not send cash under any circumstances. Cash payment will not be accepted. Any application accompanied by cash will be returned to the applicant at their own risk.

A Hearing fee of £150 is also payable when the application is set down for Hearing. If it is not paid by the due date, the application will not proceed to a Hearing and may be dismissed or deemed withdrawn.

Waiver of Fees

If the Applicant(s) or the partner(s) of any Applicant(s) is/are in receipt of certain income-related benefits, the Application Fee may be waived or reduced.

To claim a waiver or reduction in the Application Fee, the Applicant(s) in receipt of such benefit or the Applicant(s) whose partner(s) is/are in receipt of such benefit must complete a waiver application form which can be obtained from the Residential Property Tribunal. This will not be copied to the other parties.

Please send the completed application form, the required documents and the appropriate fee or completed waiver form to:

**Residential Property Tribunal
Oak House
Cleppa Park
Celtic Springs
Newport
NP10 8BD**

Note to Applicants

The Residential Property Tribunal will not accept applications by Fax or Email.

Applicants are advised that any information that they provide to the Tribunal may be recorded in a decision document. All decisions made by the Tribunal are open to the public.

Language Preference

The Residential Property Tribunal welcomes receiving correspondence in Welsh or English. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding. The tribunal also welcomes phone calls in Welsh or English.

You may submit forms, documents and make written representations to the tribunal in Welsh or English.

Please inform the tribunal of your language preference by completing box 3 below.

1. DETAILS OF APPLICANT(S) (If there are multiple applicants please continue on a separate sheet)

Name: _____

Address (including postcode): _____

Address for correspondence (if different): _____

Telephone: Day: _____ Evening: _____ Mobile: _____

Email address: _____

Capacity (e.g. Landlord,
Tenant, Managing Agent): _____

Representative details: _____

Note: The Tribunal may copy the application form to other appropriate persons (e.g. other service charge paying leaseholders in the building or development). If you are a leaseholder and do not want your telephone number or email address to be disclosed to other such persons, please omit those details from Box 1 and attach them on a separate sheet.

Where details of a representative have been given, all correspondence and communication will be through them until the Tribunal is notified that they are no longer acting.

2. PROPERTY ADDRESS (including postcode)

3. LANGUAGE PREFERENCE**Please indicate your language preference:**

Written correspondence? Welsh / English (please delete as appropriate)

Verbal communication? Welsh / English (please delete as appropriate)

Do you wish to speak Welsh in any legal proceedings that may result from this application i.e. tribunal hearing or pre-trial review?

Yes / No (please delete as appropriate)

4. DETAILS OF RESPONDENT(S) (if there are multiple respondents please continue on a separate sheet)

Name: _____

Address (including postcode): _____

Address for correspondence (if different): _____

Telephone: Day: _____ Evening: _____ Mobile: _____

Email address: _____

Capacity e.g. (Landlord, Tenant, _____

Managing Agent): _____

Note: this form asks the applicant to provide the details of parties to the application. Additionally, the Tribunal needs to know the names and addresses of other people who may be significantly affected by the application such as other lessees in the building. Please provide a list of the names and addresses of any such person(s). If this is not possible or is impractical then a written statement should be provided with this application.

If you are the landlord/management company making the application please omit, if known, the telephone/fax and email address of the respondent(s) when completing Box 4 and include them on a separate sheet. This is because the application form may be copied by the Tribunal to other appropriate persons (e.g. other service charge paying leaseholders in the building or development).

5 DETAILS OF LANDLORD (if not already given)

Name: _____

Address (including postcode): _____

6. DETAILS OF ANY RECOGNISED TENANTS' ASSOCIATIONS

Name of Secretary: _____

Address (including postcode): _____

Telephone: _____ Evening: _____ Mobile: _____

Day: _____

Email address: _____

7. SERVICE CHARGES TO BE CONSIDERED BY THE TRIBUNAL**Service charges for past years**

Please list years for which a determination is sought

1. _____	2. _____
3. _____	4. _____
5. _____	6. _____

Service charges for current or future years

Please list years for which a determination is sought

1. _____	2. _____
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For each service charge year please complete section 15 Service Charges in Question

8. OTHER APPLICATIONS

Are you involved in any other applications(s) or are you aware of any other applications(s) involving the same parties or property as in this application?

If so please give details:

9. LIMITATION OF COSTS

If you are a tenant, do you wish to make a Section 20C application? (See note below)

YES ☐

NO ☐

If so, why?

Note: some leases allow a landlord to include costs incurred in connection with proceedings before a Tribunal as part of a service charge. Section 20C of the Landlord and Tenant Act 1985 gives the Tribunal power, on application by the tenant, to make an order to the effect that such costs are not to be treated as relevant costs to be taken into account in determining the amount of any service charge payable by the tenant or any other person(s) specified in the application. If you are a tenant you should indicate here whether you want the Tribunal to consider making such an order.

If you are a tenant and this application has been made by your Landlord or Managing Agent, you may nonetheless ask the Tribunal to make an Order under Section 20C. If so please write to the Tribunal asking it to make such an Order and set out the reasons why.

10. CAN WE DEAL WITH YOUR APPLICATION WITHOUT A HEARING?

It is possible for your application to be dealt with entirely on the basis of written representations (“paper determination”) but only if:

- the Tribunal thinks it is appropriate
- all parties agree.

Even if you agree to a paper determination

- the Tribunal may decide that an oral hearing is necessary
- you or any other party may still ask for an oral hearing at any time before the determination is made

Do you agree to this application being determined without an oral hearing? YES ☐ NO ☐

Please ensure that you complete this form in full on the assumption that there will be an oral hearing.

11. URGENCY OF APPLICATION

We need to decide whether the case needs to be dealt with quickly. Please let us know if there is a particular urgency for a determination in this case and if so, why?

12. AVAILABILITY

If there are any days or dates we must avoid during the next three months please list them here. Dates on which you will **NOT** be available:

13. VENUE REQUIREMENTS

Please provide details of any special requirements you or anyone who will be coming with you may have (e.g. wheelchair access, presence of an interpreter). It will assist the Tribunal in making the arrangements if it has been made aware of your needs.

14. STATEMENT OF TRUTH

I believe that the facts stated in this application are true.

Signed: _____

Name (IN CAPITALS): _____

Capacity (if appropriate) (e.g. Director, Company Secretary) _____

Date: _____

15. SERVICE CHARGES IN QUESTION

Please use the space below to provide information regarding each of the years mentioned in part 6. You will be given an opportunity to give further details of your case at a later date.

The year in question _____

Please state:

(a) The item(s) of cost in respect of which you are seeking a determination

(b) The clause or paragraph in the lease under which the item(s) is/are payable

(c) The amount(s) in dispute

(d) The reasons why you are seeking a determination (e.g. the amount of the cost or the quality of the service)

Any further comments you wish to make

PLEASE NOTE: It may assist the Tribunal when determining whether costs were reasonably incurred or reasonable if you are able to provide costs or estimates from contractors or service providers other than those whose charges are included in those costs

Checklist

Please check that:

- you have completed this form in full,
- you have enclosed all the required documents and
- you have enclosed the correct fee payable to 'National Assembly for Wales' and/or any waiver application form.

The Tribunal will not process your application if you have not done so.

Please contact the Residential Property Tribunal if you have any questions about how to fill in this form or the procedures the Tribunal will use:

Telephone: 0300 025 2777

Email: rpt@gov.wales