



## **Application Form** **Schedule 11 to the Commonhold and Leasehold Reform Act** **2002**

Application for a determination as to liability to pay and reasonableness of a variable administration charge or for the variation of a fixed administration charge

**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 for a Welsh version of this form.**

This Application form relates to Administration Charges.

An administration charge is an amount payable by a tenant of a dwelling directly or indirectly:

- (a) in connection with the grant of an approval under the lease or an application for such an approval;
- (b) in connection with the provision of information or documents by, or on behalf of, the landlord or some other party to the lease;
- (c) in respect of a failure to make a payment by the due date to the landlord or another party to the lease;
- (d) in connection with a breach (or alleged breach) of a covenant or condition in the lease.

Administration charges are either fixed or variable.

Fixed charge: an amount which is either specified in the lease or calculated in accordance with a formula specified in the lease.

Variable charge: any charge which is not specified or calculated.

**The Tribunal's power to vary an administration charge applies only to a fixed charge.**

An application for variation of such a charge may be made on the grounds that:

- (a) any charge specified in the lease is unreasonable or
- (b) any formula specified in the lease for calculation of the charge is unreasonable.

This is the correct form to use if you wish to make any of the following applications:

- to vary a fixed administration charge
- to determine whether a variable administration charge is payable and if so,
- the reasonable amount payable.

If the Tribunal finds that a variable 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 administration charges including the summaries of Rights and Obligations which were accompanied it/them (if any)
- where the application is to vary a fixed administration charge, a draft of the proposed variation

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 administration charges that are in dispute, as follows:

<b>Amount of Administration Charge in dispute</b>	<b>Application Fee</b>
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 a crossed cheque made payable to or a postal order drawn in favour of the “Welsh Government”.

Do not send cash under any circumstances. Cash payments will not be accepted.

### **Please Note:**

- If you do not send the correct fee payable to or in favour of “Welsh Government” or if you send cash, the application and the cash will be returned to you at your 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 any 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 benefits or the Applicant(s) whose partner(s) is/are in receipt of such benefits must complete a waiver application form which can be obtained from the Residential Property Tribunal. This will not be copied to the other parties.

The completed waiver application form must be sent with the application together with any reduced fee. If not, the application will be returned to you at your own risk.

**Please send the completed application form together with the correct fee or waiver application form and the required documents to:**

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

Note to Applicants

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.

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

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. Owner): \_\_\_\_\_

Representative details: \_\_\_\_\_

\_\_\_\_\_

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 for the Applicant(s).

**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)**

Name: \_\_\_\_\_

Address (*including postcode*): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Address for correspondence (*if different*): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone: *Day*: \_\_\_\_\_ *Evening*: \_\_\_\_\_ *Mobile*: \_\_\_\_\_

Email address: \_\_\_\_\_

Representative Details \_\_\_\_\_

\_\_\_\_\_

**5. ADDRESS OF LANDLORD (if not given above)**

Name: \_\_\_\_\_

Address (*including postcode*): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Address for correspondence (*if different*): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone: *Day*: \_\_\_\_\_ *Evening*: \_\_\_\_\_ *Mobile*: \_\_\_\_\_

Email address: \_\_\_\_\_

Representative details: \_\_\_\_\_

\_\_\_\_\_

**6. DETAILS OF APPLICATION**

**Please tick one of the following and complete the section relevant to your application.**

Application to vary a fixed administration charge

**Please set out:**

**The clause to which the variation is sought:**

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**The grounds for the variation:**

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Application to determine the liability to pay and/or reasonableness of a variable administration charge

**Please set out:**

**The clause under which each administrative charge is demanded:**

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**The details of the charge(s):**

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**The grounds for the application:**

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## 7. OTHER APPLICATIONS

Do you know of any other cases involving either:

- (a) the same or similar issues about an administration charge as in this application; or
- (b) the same landlord or tenant or property as in this application?

If so, please give details

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## 8. LIMITATION OF COSTS

If you are a tenant, do you wish to make a section 20C application

YES  NO

If so, why?

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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.

## 9. 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 in writing

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..

## 10. 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?

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## 11. 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:

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## 12. 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.

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## 13. STATEMENT OF TRUTH

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

Signed: \_\_\_\_\_

Name (IN CAPITALS): \_\_\_\_\_

Date: \_\_\_\_\_

### CHECKLIST

Please check that:

- you have completed this form in full
- you have enclosed the required documents
- 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](mailto:rpt@gov.wales)**