

IN THE FIRST TIER PROPERTY CHAMBER (RESIDENTIAL PROPERTY)

BETWEEN:

(1) CLARION HOUSING ASSOCIATION LIMITED  
(2) LATIMER DEVELOPMENTS LIMITED

Applicants

- and -

(3) VARIOUS TENANTS

Respondents

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ELECTRONIC COURT BUNDLE

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## Application for the dispensation of all or any of the consultation requirements provided for by section 20 of the Landlord and Tenant Act 1985

Section 20ZA of the Landlord and Tenant Act 1985

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

This is the correct form to use if you want to ask the Tribunal to dispense with all or any of the consultation requirements set out in section 20 of the Landlord and Tenant Act 1985 and in the Service Charges (Consultation Requirements)(England) Regulations 2003.

**A fee is payable for this application (see section 13 for Help with Fees).** Please note that fee changes were made on 25 July 2016 in respect of all applications made on or after that date. The new fees are set out in this form.

**Please send your completed application form and fee (if applicable), together with the documents listed in section 13 of this form to the appropriate regional Tribunal.** (See the Annex to this form for regional office addresses). **Please do not send any other documents.** If and when further evidence is needed, you will be asked to send it in separately.

**If you have any questions about how to fill in this form, the fee payable, or the procedures the Tribunal will use, please call the appropriate regional office.**

**If you are completing this form by hand please use BLOCK CAPITAL LETTERS.**

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

Name: CLARION HOUSING ASSOCIATION LIMITED (and another see separate sheet)

Capacity: Landlord

Address (including postcode):

Level 6, 6 More London Place, Tooley Street, London, SE1 2DA

Address for correspondence (if different from above):

Reed House, Peachman Way, Broadland Business Park, Norwich, NR7 0WF

Telephone:

Day:

Evening:

Mobile:

Email address:

Fax:

Representative name and address, and other contact details: Where details of a representative have been given, all correspondence and communications will be with them until the Tribunal is notified that they are no longer acting for you.

Name: Anthony Collins Solicitors LLP

Reference no. (if any) 37418.0861

Address (including postcode):

134 Edmund Street, Birmingham, B3 2ES

Telephone:

Day:

Mobile:

Email  
address:

Fax:

**2. ADDRESS (including postcode) of SUBJECT PROPERTY (if not already given)**

33,463 individual properties in the Counties and London Boroughs listed on the Additional Sheet

**3. BRIEF DESCRIPTION OF BUILDING (e.g. 2 bedroom flat in purpose built block of 12 flats)**

Various different buildings but mainly flatted accommodation

**4. DETAILS OF RESPONDENT (S) the person against whom an applicant seeks determination from the tribunal – this will only be the landlord's managing agent if they are a party to the lease. If there are multiple respondents, please continue on a separate sheet.**



Name:

Capacity

Address (including postcode):

Reference no. for correspondence (if any)

Address for correspondence (if different from above):

Telephone:

Day:

Evening:

Mobile:

Email  
address:

Fax:

**Note:** If this is an application by a landlord, then usually all tenants liable to pay a service charge for the costs in question should be joined as respondents. If tenants are not joined in this way, the landlord should provide the Tribunal with a list of the names and addresses of service charge payers. If this is not possible or is impractical, then a written explanation must be provided with this application.

If you are the landlord/management company making the application please omit, if known, the telephone/fax numbers 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):

Reference no. for correspondence (if any)

Telephone:

Day:

Evening:

Mobile:

Email  
address:

Fax:

## 6. DETAILS OF ANY RECOGNISED TENANTS' ASSOCIATION (if known)

Name of  
Secretary

See separate sheet

Address (including postcode):

Telephone:

Day:

Evening:

Mobile:

Email  
address:

Fax:

## 7. DISPENSATION SOUGHT

Applicants may seek a dispensation of all or any of the consultation requirements in respect of either qualifying works or long-term agreements.

Does the application concern qualifying works?

☐ Yes ☒ No

If Yes, have the works started/been carried out?

☐ Yes ☒ No

Does the application concern a qualifying long-term agreement?

☒ Yes ☐ No

If Yes, has the agreement already been entered into?

☐ Yes ☒ No

For each set of qualifying works and/or qualifying long-term agreements please complete one of the sheets of paper entitled '**GROUND'S FOR SEEKING DISPENSATION**'

## 8. OTHER APPLICATIONS

Do you know of any other cases involving either: (a) related or similar issues about the management of this property; or (b) the same landlord or tenant or property as in this application?

☐ Yes ☒ No

If Yes, please give details

Given the number of properties this answer is given to the best of our knowledge on the basis of current cases.

## 9. CAN WE DEAL WITH YOUR APPLICATION WITHOUT A HEARING?

If the Tribunal thinks it is appropriate, and all the parties and others notified of their right to attend a hearing consent, it is possible for your application to be dealt with entirely on the basis of written representations and documents and without the need for parties to attend and make oral representations. ('A paper determination').

Please let us know if you would be content with a paper determination if the Tribunal thinks it appropriate.

☒ Yes ☐ No

**Note:** Even if you have asked for a paper determination the Tribunal may decide that a hearing is necessary. Please complete the remainder of this form on the assumption that a hearing will be held. Where there is to be a hearing, a fee of £200 will become payable by you when you receive notice of the hearing date.

## 10. TRACK PREFERENCES

We need to decide whether to deal with the case on the Fast Track or the Standard Track (see Guidance Note for an explanation of what a track is). Please let us know which track you think appropriate for this case.

☒ Fast Track  
☐ Standard Track

Is there any special reason for urgency in this case?

☒ Yes ☐ No

If Yes, please explain how urgent it is and why:

The Applicants recognise the difficulties their residents are facing in this difficult financial climate and want to maximise their opportunities for passing reduced energy costs onto them as soon as we can. Energy as a commodity is volatile with energy prices changing 3 – 20% within the day and 100% over a year. Current energy prices are attractive, and we want to secure this benefit and provide long term protection for tenants. We would like to enter into the first QLTA's on or before 1<sup>st</sup> April 2021.

### Note

The Tribunal will normally deal with a case in one of three ways: on paper (see section 10 above) or 'fast track' or 'standard track'. The fast track is designed for cases that need a hearing but are very simple and will not generate a great deal of paperwork or argument. A fast track case will usually be heard within 10 weeks of your application. You should indicate here if you think your case is very simple and can be easily dealt with. The standard track is designed for more complicated cases where there may be numerous issues to be decided or where for example, a lot of documentation is involved. A standard track case may involve the parties being invited to a Case Management Conference which is a meeting at which the steps that need to be taken to bring the case to a final hearing can be discussed.

## 11. AVAILABILITY

If there are any dates or days we must avoid during the next four months (either for your convenience or the convenience of any expert you may wish to call) please list them here.

Please list the dates on which you will NOT be available:

27 to 31 July and 03 to 16 August

## 12. VENUE REQUIREMENTS

Please provide details of any special requirements you or anyone who will be coming with you may have (e.g. the use of a wheelchair and/or the presence of a translator):

We would hope a hearing can be avoided given the number of respondents.

Applications handled by the London regional office are usually heard in Alfred Place, which is fully wheelchair accessible. Elsewhere, hearings are held in local venues which are not all so accessible and the case officers will find it useful to know if you or anyone you want to come to the hearing with you has any special requirements of this kind.

### 13. CHECKLIST

Please check that you have completed this form fully. The Tribunal will not process your application until this has been done and it has the following documents together with the application fee (if applicable).

A copy of the lease(s). ☐

A statement that service charge payers have been named as respondents or a list of names and addresses of service charge payers ☐

A crossed cheque or postal order for the application fee of £100 (if applicable) is enclosed. ☐

**DO NOT send cash under any circumstances. Cash payment will not be accepted.**

**Fees should be paid by a crossed cheque made payable to, or a postal order drawn in favour of, HM Courts and Tribunals Service.**

**Please note where there is to be a hearing, a fee of £200 will become payable by you when you receive notice of the hearing date.**

#### Help with Fees

If you think you may be entitled to a reduced fee, the guide EX160A 'Apply for help with court, tribunal and probate fees' outlines how you can submit an application for Help with Fees.

You can submit your Help with Fees application online at [www.gov.uk/help-with-court-fees](http://www.gov.uk/help-with-court-fees) or by completing the form EX160 'Apply for help with fees'. You can get a copy of the 'Apply for help with fees' form online at [www.gov.uk/government/publications/apply-for-help-with-court-and-tribunal-fees](http://www.gov.uk/government/publications/apply-for-help-with-court-and-tribunal-fees) or from your regional tribunal office.

If you have completed an online application for Help with Fees please enter the reference number you have been given here.

H W F -  -

If you have completed form EX160 "Apply for Help with Fees" it must be included with your application.

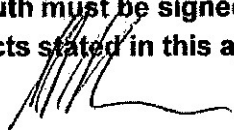
The 'Apply for help with fees' form will not be copied to other parties.

### 14. STATEMENT OF TRUTH

**The statement of truth must be signed and dated.**

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

Signed:



Dated:

15<sup>th</sup> May 2020

## Additional Sheet

*Application for the dispensation of all or any of the consultation requirements provided for by section 20 of the Landlord and Tenant Act 1985*

### Box 1

Latimer Developments Limited (Company Registration Number 05452017). Latimer has the same address, correspondence address and contact details as Clarion Housing Association Limited

(Clarion Housing Association Limited and Latimer Developments Limited are both subsidiaries of Clarion Housing Group)

### Box 2

List of London Boroughs	List of Districts and Counties	
London Borough of Barking and Dagenham	Adur District Council	West Sussex
London Borough of Barnet	Arun District Council	West Sussex
London Borough of Bexley	Ashford Borough Council	Kent
London Borough of Brent	Aylesbury Vale District Council	Berkshire
London Borough of Bromley	Babergh District Council	Suffolk
London Borough of Camden	Basildon Borough Council	Essex
London Borough of Croydon	Basingstoke and Deane	Hampshire
London Borough of Ealing	Bedford Borough Council	Unitary Authority
London Borough of Enfield	Birmingham City Council	Metropolitan District
London Borough of Epping Forest	Bolton Borough Council	Metropolitan District
London Borough of Hackney	Boston Borough Council	Lincolnshire
London Borough of Hammersmith and Fulham	Bournemouth, Christchurch & Poole	Unitary Authority
London Borough of Haringey	Bracknell Forest Borough Council	Unitary Authority
London Borough of Harrow	Bradford City Council	Metropolitan District
London Borough of Havering	Braintree District Council	Essex
London Borough of Hillingdon	Breckland District Council	Norfolk
London Borough of Hounslow	Brentwood Borough Council	Essex
London Borough of Islington		

	Brighton and Hove	Unitary Authority
London Borough of Kensington and Chelsea	Bristol, City of	Unitary Authority
Royal Borough of Kingston upon Thames	Broadland District Council	Norfolk
London Borough of Lambeth	Bromsgrove District Council	Worcestershire
London Borough of Lewisham	Broxbourne Borough Council	Hertfordshire
London Borough of Merton	Cambridge City Council	Cambridgeshire
London Borough of Newham	Cannock Chase District Council	Staffordshire
London Borough of Redbridge	Canterbury City Council	Kent
London Borough of Southwark	Central Bedfordshire	Unitary Authority
London Borough of Sutton	Chelmsford City Council	Essex
London Borough of Wandsworth	Cherwell District Council	Oxfordshire
London Borough of Westminster	Cheshire East Council	Unitary Authority
	Cheshire West and Chester Council	Unitary Authority
	Chesterfield Borough Council	Derbyshire
	Chichester District Council	West Sussex
	Christchurch Borough Council	Dorset
	Colchester Borough Council	Essex
	Corby Borough Council	Northamptonshire
	Cornwall Council	Unitary Authority
	Coventry City Council	Metropolitan District
	Crawley Borough Council	West Sussex
	Dacorum Borough Council	Hertfordshire
	Dartford Borough Council	Kent
	Daventry District Council	Northamptonshire
	Derby City Council	Unitary Authority
	Dover District Council	Kent
	Dudley Borough Council	Metropolitan District
	East Cambridgeshire	Cambridgeshire
	East Hampshire	Hampshire
	East Hertfordshire	Hertfordshire
	East Northamptonshire	Northamptonshire
	East Suffolk	Suffolk

	Eastbourne Borough Council	East Sussex
	Eastleigh Borough Council	Hampshire
	Epsom and Ewell	Surrey
	Exeter City Council	Devon
	Fareham Borough Council	Dorset
	Fenland District Council	Cambridgeshire
	Folkestone & Hythe District Council	Kent
	Forest Heath District Council	Suffolk
	Gosport Borough Council	Hampshire
	Gravesham Borough Council	Kent
	Great Yarmouth	Norfolk
	Guildford Borough Council	Surrey
	Halton Borough Council	Unitary Authority
	Harlow District Council	Essex
	Hart District Council	Hampshire
	Hastings Borough Council	East Sussex
	Havant Borough Council	Hampshire
	Hertsmere Borough Council	Hertfordshire
	Horsham District Council	West Sussex
	Kingston Upon Hull City Council	Yorkshire
	Huntingdonshire District Council	Cambridgeshire
	Ipswich Borough Council	Suffolk
	Kettering Borough Council	Northamptonshire
	King's Lynn and West Norfolk	Norfolk
	Kingston upon Hull, City of	Yorkshire
	Leeds City Council	Metropolitan District
	Leicester City Council	Unitary Authority
	Lewes District	East Sussex
	Lichfield City Council	Derbyshire
	Lincoln City Council	Lincolnshire
	Luton Borough Council	Unitary Authority
	Maidstone Borough Council	Kent
	Maldon District Council	Essex



	Manchester City Council	Metropolitan District
	Medway Council	Unitary Authority
	Mid Devon District Council	Devon
	Mid Suffolk District Council	Suffolk
	Mid Sussex District Council	Sussex
	Middlesbrough Borough Council	Unitary Authority
	Milton Keynes	Unitary Authority
	Mole Valley	Surrey
	New Forest District Council	Hampshire
	Newcastle-under-Lyme	Staffordshire
	North Hertfordshire	Hertfordshire
	North Norfolk	Norfolk
	North Warwickshire	Warwickshire
	Norwich City Council	Norfolk
	Nottingham City Council	Unitary Authority
	Nuneaton and Bedworth	Warwickshire
	Peterborough City Council	Unitary Authority
	Plymouth City Council	Unitary Authority
	Portsmouth City Council	Unitary Authority
	Rochford District Council	Kent
	Rother District Council	East Sussex
	Rugby Borough Council	Warwickshire
	Salford City Council	Metropolitan District
	Sandwell Borough Council	Metropolitan District
	Sheffield City Council	Metropolitan District
	Shepway District Council	Kent
	Shropshire Council	Shropshire
	Solihull Borough Council	Metropolitan District
	South Cambridgeshire	Cambridgeshire
	South Gloucestershire	Unitary Authority
	South Holland	Lincolnshire

	South Kesteven	Lincolnshire
	South Norfolk	Norfolk
	South Oxfordshire	Oxfordshire
	South Somerset	Somerset
	South Tyneside	Metropolitan District
	Southampton City Council	Unitary Authority
	St Albans	Hertfordshire
	St. Edmundsbury Borough Council	Suffolk
	St. Helens Borough Council	Metropolitan District
	Stevenage Borough Council	Hertfordshire
	Stoke-on-Trent City Council	Unitary Authority
	Surrey Heath	Surrey
	Swale Borough Council	Kent
	Tamworth Borough Council	Staffordshire
	Tandridge	Surrey
	Teignbridge	Devon
	Tendring	Essex
	Test Valley Borough Council	Hampshire
	Thanet	Kent
	Three Rivers District Council	Hertfordshire
	Thurrock Council	Unitary Authority
	Tonbridge and Malling	Kent
	Tunbridge Wells	Kent
	Uttlesford District Council	Cambridgeshire
	Vale of White Horse	Berkshire
	Walsall Borough Council	Metropolitan District
	Warrington Borough Council	Unitary Authority
	Warwick District Council	Warwickshire
	Watford Borough Council	Hertfordshire
	Waverley Borough Council	Surrey
	Wealden District Council	East Sussex
	Wellingborough Borough Council	Northamptonshire

	Welwyn Hatfield	Hertfordshire
	West Berkshire	Unitary Authority
	West Oxfordshire	Oxfordshire
	West Suffolk	Suffolk
	Wiltshire Council	Unitary Authority
	Winchester City Council	Hampshire
	Woking Borough Council	Unitary Authority
	Wolverhampton City Council	Metropolitan District
	Worcester City Council	Worcestershire
	Worthing Borough Council	West Sussex
	Wycombe District Council	Buckinghamshire

#### Box 6

<div style="background-color: black; width: 250px; height: 1.2em; margin-bottom: 2px;"></div> <div style="background-color: black; width: 590px; height: 1.2em; margin-bottom: 2px;"></div> <div style="background-color: black; width: 360px; height: 1.2em; margin-bottom: 2px;"></div>	Oceanis Apartments E16 Residents' Association <div style="background-color: black; width: 50px; height: 1.2em; float: right;"></div>
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## GROUNDS FOR SEEKING DISPENSATION

**Please use the space below to provide information mentioned in section 7 of this form.**

You will be given an opportunity later to give further details of your case and to supply the Tribunal with any documents that support it. At this stage you should give a clear outline of your case so that the Tribunal understands what your application is about. Please continue on a separate sheet if necessary.

1. Describe the qualifying works or qualifying long-term agreement concerned, stating when the works were carried out or planned to be carried out or in the case of a long-term agreement, the date that agreement was entered into or the proposed date it is to be entered into.

The qualifying long term agreements (QLTAs) are multiple agreements with energy suppliers which Clarion Housing Group will enter into on behalf of the Applicants on the recommendation of our energy broker, Inenco Group Limited, during the currency of an agreement (the 'Master Agreement') dated 4<sup>th</sup> March 2020 made between Clarion Housing Group (1) Inenco Group Limited (of Ribble House, Ballam Road, Lytham St. Annes Lancashire FY8 4TS Company No. 02435678) (2)) during the period 1st April 2021 to 31<sup>st</sup> March 2024 in respect of the bulk purchase of gas and electricity. The energy supplies have been sourced using the Procurement Hub (Places for People) dynamic purchasing system - Official Journal of the EU reference number: 2019/S 130-317877

Note the Master Agreement is not a QLTA for which the Applicants are required to consult tenants under section 20 of the Landlord and Tenant Act 1985 (section 20) because throughout the currency of the Master Agreement the amount payable by any tenant paying a service charge will be less than £100 in any 12-month accounting period. The Master Agreement is however referred to as a way to reference the multiple energy supply QLTAs that will be entered into.

2. Describe the consultation that has been carried out or is proposed to be carried out.

There are approximately 33,463 properties whose tenants who will be subject to the QLTAs. We propose we will write to all tenants to: -

1. Inform them of the application.
2. Advise them a copy of the application is on our website.
3. Inform them if they would like to receive to have a hard copy of the application then they can write to us and we will send them a copy (including the supporting statement attached).
4. Advise them we will add documents to the website as the application progresses including the ultimate decision.

(personal details will be deleted from documents put on our website and the hard copy of the application if posted)

Given the numbers of tenants concerned and the cost of mailing we do not contemplate any further mailings to tenants.

3. Explain why you seek dispensation of all or any of the consultation requirements.

The Applicants seeks dispensation from all of the consultation requirements of section 20 because we will be able to swiftly enter multiple energy supply contracts, taking advantage of more competitive energy prices. We would not be able to achieve these significant cost savings for the benefit of our

tenants if we carried out meaningful section 20 consultation.

Energy is a commodity and trades on the energy markets. With prices changing minute by minute competitive quotations for energy are only held for a matter of hours rather than the 66 days needed to consult with tenants in accordance with section 20. The energy market is currently volatile with COVID-19 having a large impact and causing historic market lows. Comparing the current future prices to what we have seen in recent years shows that now is a great opportunity to secure low and stable pricing for our tenants into future years. In 2018 a 3 year average price in Electricity at its peak was £61.48mWh, with the market dramatically falling, currently a 3 year average price of £42.40mWh can be achieved. However this relies on a strategic view of the market and having expert guidance to purchase energy as the market presents opportunity in line with our objectives; to keep a low and stable cost base and hence service charge to tenants.

In addition, we will be unable to provide estimated costs to tenants, which we would be required to provide in order to comply fully with the Service Charges (Consultation Requirements) (England) 2003. The energy will be purchased as and when a competitive price is identified by our broker, Inenco Group Limited, on the wholesale energy market and so we will not be able to advise tenants of the cost in advance of contract placement.

Inenco Group Limited act for a number of housing associations and so we will be part of a £1/2 billion "pot" that is enabling housing associations across the country to get value for money on energy costs for their tenants. We will have a bespoke energy procurement service and are able to manage our energy costs by seeking out the most competitive prices. The energy market is increasingly volatile, and our residents would benefit from any reduction to forecast increases for the period of the contract. The period of the agreements will be April 2021 to March 2024.

## ANNEX: Addresses of Tribunal Regional Offices

### NORTHERN REGION

HM Courts & Tribunals Service

First-tier Tribunal (Property Chamber) Residential  
Property, 1<sup>st</sup> Floor, Piccadilly Exchange, Piccadilly  
Plaza, Manchester M1 4AH

**Telephone:** 01612 379491

**Fax:** 01264 785 128

**This office covers the following Metropolitan districts:** Barnsley, Bolton, Bradford, Bury, Calderdale, Doncaster, Gateshead, Kirklees, Knowsley, Leeds, Liverpool, Manchester, Newcastle-upon-Tyne, Oldham, Rochdale, Rotherham, St. Helens, Salford, Sefton, Sheffield, Stockport, Sunderland, Tameside, Trafford, Tyneside (North & South), Wakefield, Wigan and Wirral.

**It also covers the following unitary authorities:** Hartlepool, Middlesbrough, Redcar and Cleveland, Darlington, Halton, Blackburn with Darwen, Blackpool, Kingston-upon-Hull, East Riding of Yorkshire, Northeast Lincolnshire, North Lincolnshire, Stockton-on-Tees, Warrington and York.

**It also covers the following Counties:** Cumbria, Durham, East Cheshire, Lancashire, Lincolnshire, Northumberland, North Yorkshire and West Cheshire.

### MIDLAND REGION

HM Courts & Tribunals Service

First-tier Tribunal (Property Chamber) Residential  
Property, Centre City Tower, 5-7 Hill Street,  
Birmingham, B5 4UU

**Telephone:** 0121 600 7888

**Fax:** 01264 785 122

**This office covers the following Metropolitan districts:** Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton.

**It also covers the following unitary authorities:** Derby, Leicester, Rutland, Nottingham, Herefordshire, Telford and Wrekin and Stoke-on-Trent.

**It also covers the following Counties:** Derbyshire, Leicestershire, Nottinghamshire, Shropshire, Staffordshire, Warwickshire and Worcestershire.

#### **EASTERN REGION**

HM Courts & Tribunals Service  
First-tier Tribunal (Property Chamber) Residential  
Property, Cambridge County Court, 197 East Road  
Cambridge, CB1 1BA

**Telephone:** 01223 841 524

**Fax:** 01264 785 129

**DX** 97650 Cambridge 3

**This office covers the following unitary authorities:** Bracknell Forest, West Berkshire, Reading, Slough, Windsor and Maidenhead, Wokingham, Luton, Peterborough, Milton Keynes, Southend-on-Sea and Thurrock.

**It also covers the following Counties:** Bedfordshire, Berkshire, Buckinghamshire, Cambridgeshire, Essex, Hertfordshire, Norfolk, Northamptonshire, Oxfordshire and Suffolk.

#### **SOUTHERN REGION**

HM Courts & Tribunals Service  
First-tier Tribunal (Property Chamber) Residential  
Property, Havant Justice Centre, The Court House,  
Elmleigh Road, Havant, Hants, PO9 2AL

**Telephone:** 01243 779 394

**Fax:** 0870 7395 900

**This office covers the following unitary authorities:** Bath and Northeast Somerset, Bristol, North Somerset, South Gloucestershire, Bournemouth, Plymouth, Torbay, Poole, Swindon, Medway, Brighton and Hove, Portsmouth, Southampton and the Isle of Wight.

**It also covers the following Counties:** Cornwall and the Isles of Scilly, Devon, Dorset, East Sussex, Gloucestershire, Hampshire, Kent, Somerset, Surrey, West Sussex and Wiltshire.

#### **LONDON REGION**

HM Courts & Tribunals Service  
First-tier Tribunal (Property Chamber) Residential  
Property, 10 Alfred Place, London WC1E 7LR

**Telephone:** 020 7446 7700

**Fax:** 01264 785 060

**DX** 134205 Tottenham Court Road

**This office covers all the London boroughs.**

The Ministry of Justice and HM Courts and Tribunals Service processes personal information about you in the context of tribunal proceedings.

For details of the standards we follow when processing your data, please visit the following address <https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter>

To receive a paper copy of this privacy notice, please call 0300 123 1024/ Textphone 18001 0300 123 1024.

## Additional Sheet as amended 6 July 2020

*Application for the dispensation of all or any of the consultation requirements provided for by section 20 of the Landlord and Tenant Act 1985*

### Box 1

Latimer Developments Limited (Company Registration Number 05452017). Latimer has the same address, correspondence address and contact details as Clarion Housing Association Limited

(Clarion Housing Association Limited and Latimer Developments Limited are both subsidiaries of Clarion Housing Group)

### Box 2

List of London Boroughs	List of Districts and Counties	
London Borough of Barking and Dagenham	Adur District Council	West Sussex
London Borough of Barnet	Arun District Council	West Sussex
London Borough of Bexley	Ashford Borough Council	Kent
London Borough of Brent	Aylesbury Vale District Council	Berkshire
London Borough of Bromley	Babergh District Council	Suffolk
London Borough of Camden	Basildon Borough Council	Essex
London Borough of Croydon	Basingstoke and Deane	Hampshire
London Borough of Ealing	Bedford Borough Council	Unitary Authority
London Borough of Enfield	Birmingham City Council	Metropolitan District
London Borough of Epping Forest	Bolton Borough Council	Metropolitan District
London Borough of Hackney	Boston Borough Council	Lincolnshire
London Borough of Hammersmith and Fulham	Bournemouth, Christchurch & Poole	Unitary Authority
London Borough of Haringey	Bracknell Forest Borough Council	Unitary Authority
London Borough of Harrow	Bradford City Council	Metropolitan District
London Borough of Havering	Braintree District Council	Essex
London Borough of Hillingdon	Breckland District Council	Norfolk
London Borough of Hounslow	Brentwood Borough Council	Essex
London Borough of Islington		

	Brighton and Hove	Unitary Authority
London Borough of Kensington and Chelsea	Bristol, City of	Unitary Authority
Royal Borough of Kingston upon Thames	Broadland District Council	Norfolk
London Borough of Lambeth	Bromsgrove District Council	Worcestershire
London Borough of Lewisham	Broxbourne Borough Council	Hertfordshire
London Borough of Merton	Cambridge City Council	Cambridgeshire
London Borough of Newham	Cannock Chase District Council	Staffordshire
London Borough of Redbridge	Canterbury City Council	Kent
London Borough of Southwark	Central Bedfordshire	Unitary Authority
London Borough of Sutton	Chelmsford City Council	Essex
<a href="#">London Borough of Tower Hamlets</a>	Cherwell District Council	Oxfordshire
<a href="#">London Borough of Waltham Forest</a>	Cheshire East Council	Unitary Authority
London Borough of Wandsworth	Cheshire West and Chester Council	Unitary Authority
London Borough of Westminster	Chesterfield Borough Council	Derbyshire
	Chichester District Council	West Sussex
	Christchurch Borough Council	Dorset
	Colchester Borough Council	Essex
	Corby Borough Council	Northamptonshire
	Cornwall Council	Unitary Authority
	Coventry City Council	Metropolitan District
	Crawley Borough Council	West Sussex
	Dacorum Borough Council	Hertfordshire
	Dartford Borough Council	Kent
	Daventry District Council	Northamptonshire
	Derby City Council	Unitary Authority
	Dover District Council	Kent
	Dudley Borough Council	Metropolitan District
	East Cambridgeshire	Cambridgeshire
	East Hampshire	Hampshire
	East Hertfordshire	Hertfordshire
	East Northamptonshire	Northamptonshire
	East Suffolk	Suffolk



	Eastbourne Borough Council	East Sussex
	Eastleigh Borough Council	Hampshire
	Epsom and Ewell	Surrey
	Exeter City Council	Devon
	Fareham Borough Council	Dorset
	Fenland District Council	Cambridgeshire
	Folkestone & Hythe District Council	Kent
	Forest Heath District Council	Suffolk
	Gosport Borough Council	Hampshire
	Gravesham Borough Council	Kent
	Great Yarmouth	Norfolk
	Guildford Borough Council	Surrey
	Halton Borough Council	Unitary Authority
	Harlow District Council	Essex
	Hart District Council	Hampshire
	Hastings Borough Council	East Sussex
	Havant Borough Council	Hampshire
	Hertsmere Borough Council	Hertfordshire
	Horsham District Council	West Sussex
	Kingston Upon Hull City Council	Yorkshire
	Huntingdonshire District Council	Cambridgeshire
	Ipswich Borough Council	Suffolk
	Kettering Borough Council	Northamptonshire
	King's Lynn and West Norfolk	Norfolk
	Kingston upon Hull, City of	Yorkshire
	Leeds City Council	Metropolitan District
	Leicester City Council	Unitary Authority
	Lewes District	East Sussex
	Lichfield City Council	Derbyshire
	Lincoln City Council	Lincolnshire
	Luton Borough Council	Unitary Authority
	Maidstone Borough Council	Kent
	Maldon District Council	Essex

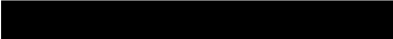



	Manchester City Council	Metropolitan District
	Medway Council	Unitary Authority
	Mid Devon District Council	Devon
	Mid Suffolk District Council	Suffolk
	Mid Sussex District Council	Sussex
	Middlesbrough Borough Council	Unitary Authority
	Milton Keynes	Unitary Authority
	Mole Valley	Surrey
	New Forest District Council	Hampshire
	Newcastle-under-Lyme	Staffordshire
	North Hertfordshire	Hertfordshire
	North Norfolk	Norfolk
	North Warwickshire	Warwickshire
	Norwich City Council	Norfolk
	Nottingham City Council	Unitary Authority
	Nuneaton and Bedworth	Warwickshire
	Peterborough City Council	Unitary Authority
	Plymouth City Council	Unitary Authority
	Portsmouth City Council	Unitary Authority
	Rochford District Council	Kent
	Rother District Council	East Sussex
	Rugby Borough Council	Warwickshire
	Salford City Council	Metropolitan District
	Sandwell Borough Council	Metropolitan District
	Sheffield City Council	Metropolitan District
	Shepway District Council	Kent
	Shropshire Council	Shropshire
	Solihull Borough Council	Metropolitan District
	South Cambridgeshire	Cambridgeshire
	South Gloucestershire	Unitary Authority
	South Holland	Lincolnshire

	South Kesteven	Lincolnshire
	South Norfolk	Norfolk
	South Oxfordshire	Oxfordshire
	South Somerset	Somerset
	South Tyneside	Metropolitan District
	Southampton City Council	Unitary Authority
	St Albans	Hertfordshire
	St. Edmundsbury Borough Council	Suffolk
	St. Helens Borough Council	Metropolitan District
	Stevenage Borough Council	Hertfordshire
	Stoke-on-Trent City Council	Unitary Authority
	Surrey Heath	Surrey
	Swale Borough Council	Kent
	Tamworth Borough Council	Staffordshire
	Tandridge	Surrey
	Teignbridge	Devon
	Tendring	Essex
	Test Valley Borough Council	Hampshire
	Thanet	Kent
	Three Rivers District Council	Hertfordshire
	Thurrock Council	Unitary Authority
	Tonbridge and Malling	Kent
	Tunbridge Wells	Kent
	Uttlesford District Council	Cambridgeshire
	Vale of White Horse	Berkshire
	Walsall Borough Council	Metropolitan District
	Warrington Borough Council	Unitary Authority
	Warwick District Council	Warwickshire
	Watford Borough Council	Hertfordshire
	Waverley Borough Council	Surrey
	Wealden District Council	East Sussex
	Wellingborough Borough Council	Northamptonshire

	Welwyn Hatfield	Hertfordshire
	West Berkshire	Unitary Authority
	West Oxfordshire	Oxfordshire
	West Suffolk	Suffolk
	Wiltshire Council	Unitary Authority
	Winchester City Council	Hampshire
	Woking Borough Council	Unitary Authority
	Wolverhampton City Council	Metropolitan District
	Worcester City Council	Worcestershire
	Worthing Borough Council	West Sussex
	Wycombe District Council	Buckinghamshire

### Box 6

 Oceanis Apartments E16 Residents' Association,   
  


 Travers House Residents' Association,   
  


On behalf of: The Applicants  
Name of witness: Adrian Shaw  
Exhibit: AS1 – AS2  
Date: 15<sup>th</sup> May 2020

**IN THE FIRST TIER TRIBUNAL PROPERTY CHAMBER  
(RESIDENTIAL PROPERTY)**

**BETWEEN**                      **(1) Clarion Housing Association Limited**  
                                      **(2) Latimer Developments Limited**  
  
                                      **(3) Various tenants and leaseholders**

**Applicants**  
  
**Respondents**

I Adrian Shaw of (Level 2 & 3) Interchange, 81-85 Station Rd, Croydon CR0 2AJ duly authorised by the Applicants to state as follows: -

1. I am employed as Head of Service Charges of Clarion Housing Group which includes its two subsidiary landlords Clarion Housing Association Limited and Latimer Developments Limited (the Applicants).
2. I am making this statement to provide the Tribunal with additional information in respect of the Applicants' application for the dispensation of all the consultation requirements provided for by section 20 of the Landlord and Tenant Act 1985 in respect of certain energy contracts. I am duly authorised to make this statement on behalf of the Applicants.
3. The facts and matters set out in this statement are within my own knowledge and I believe them to be true. Facts and matters derived from other sources are true to the best of my knowledge and belief.
4. There is now produced and shown to me a paginated bundle of true documents marked "AS1 – AS2". All references to documents in this statement are to the Exhibited.
5. The application concerns 33,463 properties of accommodation housing tenants and leaseholders of the Applicants (the "Respondents") where the cost of energy for communal areas is recovered by way of a service charge. A list of the general location of the properties (by County or London Borough) is exhibited as AS1. A list of Respondents has not been produced to the Tribunal due to the reasons as stated in paragraph 7. The Applicants are happy to accept an obligation to write to all Respondents in accordance with paragraph 7(a) of this statement.
6. Given the number of Respondents the tenancies and the leases (the "Occupancy Agreements") have not been produced but I can confirm in all cases:
  - a. The service charge is variable as defined by section 18(1) Landlord & Tenant Act 1985

- b. The Occupancy Agreements give the Applicants the right to recover the service charge
7. Given the number of Respondents, in the interest of saving costs and subject to the Tribunal's agreement the Applicants propose to send one letter to the Respondents, copy of which is exhibited as AS2 to: -
- a. Inform them of the application;
  - b. Advise them a copy of the application (personal details deleted) and this supporting statement is on our website;
  - c. Inform them if they wish to receive to have a hard copy of the application then they can write to us and we will send them a copy (personal details deleted);
  - d. Advise them we will add documents to the website as the application progresses including the ultimate decision.
8. Given the numbers of Respondents concerned and the cost of mailing the Applicants do not contemplate any further mailings to Respondents.

**STATEMENT OF TRUTH**

**I believe that the facts stated in this statement are true**

**Name**

  
\_\_\_\_\_

**Adrian Shaw**

**Date**

\_\_\_\_15<sup>th</sup> May 2020\_\_\_\_\_

On behalf of: The Applicants  
Name of witness: Adrian Shaw  
Exhibit: AS1  
Date: 15<sup>th</sup> May 2020

**IN THE FIRST TIER TRIBUNAL PROPERTY CHAMBER  
(RESIDENTIAL PROPERTY)**

**BETWEEN**

**(1) Clarion Housing Association Limited**

**(2) Latimer Developments Limited**

**(3) Various tenants and leaseholders**

**Applicants**

**Respondents**

**EXHIBIT AS1**

This is the Exhibit AS1 referred to in the statement by Adrian Shaw dated 15<sup>th</sup> May 2020

SIGNED ..........

DATED .....15<sup>th</sup> May 2020.....

**A list of the general location of the properties (by County or London Borough)  
the subject of an application for the dispensation of all the consultation  
requirements provided for by section 20 of the Landlord and Tenant Act 1985**

<b>List of London Boroughs</b>	<b>List of Districts and Counties</b>	
London Borough of Barking and Dagenham	Adur District Council	West Sussex
London Borough of Barnet	Arun District Council	West Sussex
London Borough of Bexley	Ashford Borough Council	Kent
London Borough of Brent	Aylesbury Vale District Council	Berkshire
London Borough of Bromley	Babergh District Council	Suffolk
London Borough of Camden	Basildon Borough Council	Essex
London Borough of Croydon	Basingstoke and Deane	Hampshire
London Borough of Ealing	Bedford Borough Council	Unitary Authority
London Borough of Enfield	Birmingham City Council	Metropolitan District
London Borough of Epping Forest	Bolton Borough Council	Metropolitan District
London Borough of Hackney	Boston Borough Council	Lincolnshire
London Borough of Hammersmith and Fulham	Bournemouth, Christchurch & Poole	Unitary Authority
London Borough of Haringey	Bracknell Forest Borough Council	Unitary Authority
London Borough of Harrow	Bradford City Council	Metropolitan District
London Borough of Havering	Braintree District Council	Essex
London Borough of Hillingdon	Breckland District Council	Norfolk
London Borough of Hounslow	Brentwood Borough Council	Essex
London Borough of Islington	Brighton and Hove	Unitary Authority
London Borough of Kensington and Chelsea	Bristol, City of	Unitary Authority
Royal Borough of Kingston upon Thames	Broadland District Council	Norfolk
London Borough of Lambeth	Bromsgrove District Council	Worcestershire
London Borough of Lewisham	Broxbourne Borough Council	Hertfordshire
London Borough of Merton	Cambridge City Council	Cambridgeshire
London Borough of Newham	Cannock Chase District Council	Staffordshire
London Borough of Redbridge	Canterbury City Council	Kent
London Borough of Southwark	Central Bedfordshire	Unitary Authority
London Borough of Sutton	Chelmsford City Council	Essex



London Borough of Wandsworth London Borough of Westminster	Cherwell District Council	Oxfordshire
	Cheshire East Council	Unitary Authority
	Cheshire West and Chester Council	Unitary Authority
	Chesterfield Borough Council	Derbyshire
	Chichester District Council	West Sussex
	Christchurch Borough Council	Dorset
	Colchester Borough Council	Essex
	Corby Borough Council	Northamptonshire
	Cornwall Council	Unitary Authority
	Coventry City Council	Metropolitan District
	Crawley Borough Council	West Sussex
	Dacorum Borough Council	Hertfordshire
	Dartford Borough Council	Kent
	Daventry District Council	Northamptonshire
	Derby City Council	Unitary Authority
	Dover District Council	Kent
	Dudley Borough Council	Metropolitan District
	East Cambridgeshire	Cambridgeshire
	East Hampshire	Hampshire
	East Hertfordshire	Hertfordshire
	East Northamptonshire	Northamptonshire
	East Suffolk	Suffolk
	Eastbourne Borough Council	East Sussex
	Eastleigh Borough Council	Hampshire
	Epsom and Ewell	Surrey
	Exeter City Council	Devon
	Fareham Borough Council	Dorset
	Fenland District Council	Cambridgeshire
	Folkestone & Hythe District Council	Kent
	Forest Heath District Council	Suffolk
	Gosport Borough Council	Hampshire
	Gravesham Borough Council	Kent

	Great Yarmouth	Norfolk
	Guildford Borough Council	Surrey
	Halton Borough Council	Unitary Authority
	Harlow District Council	Essex
	Hart District Council	Hampshire
	Hastings Borough Council	East Sussex
	Havant Borough Council	Hampshire
	Hertsmere Borough Council	Hertfordshire
	Horsham District Council	West Sussex
	Kingston Upon Hull City Council	Yorkshire
	Huntingdonshire District Council	Cambridgeshire
	Ipswich Borough Council	Suffolk
	Kettering Borough Council	Northamptonshire
	King's Lynn and West Norfolk	Norfolk
	Kingston upon Hull, City of	Yorkshire
	Leeds City Council	Metropolitan District
	Leicester City Council	Unitary Authority
	Lewes District	East Sussex
	Lichfield City Council	Derbyshire
	Lincoln City Council	Lincolnshire
	Luton Borough Council	Unitary Authority
	Maidstone Borough Council	Kent
	Maldon District Council	Essex
	Manchester City Council	Metropolitan District
	Medway Council	Unitary Authority
	Mid Devon District Council	Devon
	Mid Suffolk District Council	Suffolk
	Mid Sussex District Council	Sussex
	Middlesbrough Borough Council	Unitary Authority
	Milton Keynes	Unitary Authority
	Mole Valley	Surrey
	New Forest District Council	Hampshire

	Newcastle-under-Lyme	Staffordshire
	North Hertfordshire	Hertfordshire
	North Norfolk	Norfolk
	North Warwickshire	Warwickshire
	Norwich City Council	Norfolk
	Nottingham City Council	Unitary Authority
	Nuneaton and Bedworth	Warwickshire
	Peterborough City Council	Unitary Authority
	Plymouth City Council	Unitary Authority
	Portsmouth City Council	Unitary Authority
	Rochford District Council	Kent
	Rother District Council	East Sussex
	Rugby Borough Council	Warwickshire
	Salford City Council	Metropolitan District
	Sandwell Borough Council	Metropolitan District
	Sheffield City Council	Metropolitan District
	Shepway District Council	Kent
	Shropshire Council	Shropshire
	Solihull Borough Council	Metropolitan District
	South Cambridgeshire	Cambridgeshire
	South Gloucestershire	Unitary Authority
	South Holland	Lincolnshire
	South Kesteven	Lincolnshire
	South Norfolk	Norfolk
	South Oxfordshire	Oxfordshire
	South Somerset	Somerset
	South Tyneside	Metropolitan District
	Southampton City Council	Unitary Authority
	St Albans	Hertfordshire
	St. Edmundsbury Borough Council	Suffolk
	St. Helens Borough Council	Metropolitan

		District
	Stevenage Borough Council	Hertfordshire
	Stoke-on-Trent City Council	Unitary Authority
	Surrey Heath	Surrey
	Swale Borough Council	Kent
	Tamworth Borough Council	Staffordshire
	Tandridge	Surrey
	Teignbridge	Devon
	Tendring	Essex
	Test Valley Borough Council	Hampshire
	Thanet	Kent
	Three Rivers District Council	Hertfordshire
	Thurrock Council	Unitary Authority
	Tonbridge and Malling	Kent
	Tunbridge Wells	Kent
	Uttlesford District Council	Cambridgeshire
	Vale of White Horse	Berkshire
	Walsall Borough Council	Metropolitan District
	Warrington Borough Council	Unitary Authority
	Warwick District Council	Warwickshire
	Watford Borough Council	Hertfordshire
	Waverley Borough Council	Surrey
	Wealden District Council	East Sussex
	Wellingborough Borough Council	Northamptonshire
	Welwyn Hatfield	Hertfordshire
	West Berkshire	Unitary Authority
	West Oxfordshire	Oxfordshire
	West Suffolk	Suffolk
	Wiltshire Council	Unitary Authority
	Winchester City Council	Hampshire
	Woking Borough Council	Unitary Authority
	Wolverhampton City Council	Metropolitan District

	Worcester City Council	Worcestershire
	Worthing Borough Council	West Sussex
	Wycombe District Council	Buckinghamshire

On behalf of: The Applicants  
Name of witness: Adrian Shaw  
Exhibit: AS2  
Date: 15<sup>th</sup> May 2020

**IN THE FIRST TIER TRIBUNAL PROPERTY CHAMBER  
(RESIDENTIAL PROPERTY)**

**BETWEEN**

**(1) Clarion Housing Association Limited**

**(2) Latimer Developments Limited**

**(3) Various tenants and leaseholders**

**Applicants**

**Respondents**

**EXHIBIT AS2**

This is the Exhibit AS2 referred to in the statement by Adrian Shaw dated 15<sup>th</sup> May 2020

SIGNED .....  .....

DATED ..... 15<sup>th</sup> May 2020.....

## **A better deal for communal energy supply**

We want to enter into a new arrangement to buy communal energy supplies, so we and you get a better deal.

For the energy we buy for your communal area(s), because we'll be buying energy directly from the energy market, we can't comply with a consultation process set out in section 20 of the Landlord & Tenant Act 1985. So, we have made an application to the First Tier Tribunal (Property Chamber) (the Tribunal) for dispensation from those requirements. You'll find on the back of this letter some frequently asked questions giving you more information. We propose to start the arrangement on 1<sup>st</sup> April 2021 and for it to last for 3 years.

To minimise costs, all future correspondence and documentation relating to our application, (including copies of the application, the directions and/or decision of the Tribunal), will be displayed on our website (as we receive them); to view please go to [\[Clarion to insert URL\]](#)

If you would like us to send you a copy of our application, or have any questions about this letter, please contact us: -

- by telephone on [\[Clarion to insert dedicated telephone number\]](#)
- by email [\[Clarion to insert dedicated email address\]](#)
- by post by writing to us at "Clarion Housing Group (S20 Energy Dispensation), Reed House, Peachman Way, Broadland Business Park, Norwich, NR7 0WF"

## **Frequently asked questions: communal energy**

### **What is communal energy?**

Energy (gas and/or electricity) supplied to the areas that we either light or heat outside of your front door is referred to as 'communal energy'. For example, lighting the stairs to your flat, or powering a door entry system.

### **What is dispensation?**

We are required to consult with customers before entering any long-term agreement for services under Section 20 of the Landlord and Tenant Act 1985. This section 20 requires us to consult with you using a series of notices and following a timetable (the "Process"). Some of the agreements we wish to enter into to purchase communal energy will be long-term agreements. A dispensation in this instance is special permission, from the First Tier Tribunal (Property Chamber), to enter into agreements without following the Process.

### **Why isn't Clarion consulting its customers?**

When we're trying to get the best energy deals for you, suppliers are only able to lock in the best available prices for a very short time (typically one working day). This short period means there isn't enough time for us to consult with you and follow the Process.

### **What do I have to do now?**

Nothing. This is communication to let you know that we're applying for dispensation to get you the best energy deal on longer-term arrangements.

### **What if I don't agree with this change?**

You can write to the Tribunal direct to make your own representations. Their address is "First-tier Tribunal (Property Chamber), 10 Alfred Place, London WC1E 7LR". Quote [ACS to insert once known]. Do make sure any representations are received by the Tribunal in accordance with their directions (see our website).

### **What if I don't want to change my home supplier?**

You don't have to. The communal supply will not change any existing arrangements you already have with the gas and/or electricity suppliers you have in place for your home.

### **How can I trust you'll get the best deal?**

We will work with a specialist energy consultancy to ensure that energy prices are kept as low and stable as possible.

### **If it's a good deal will Clarion be doing this for your offices?**

We are. We'll be using the same arrangements to buy energy for our own offices. We will be including all our offices and community centres. We want the best deal for all of us going forward, for years to come.

### **What if dispensation is not granted?**

We will buy energy on 364-day rolling contracts. We cannot get the best deals this way and its likely energy costs will continue to climb year on year, something we are keen to protect you from.





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

**Case reference** : LON/00BE/LDC/2020/0067

**Applicant** : **Clarion Housing Association Limited  
and Latimer Developments Limited**

**Representative** : **Anthony Collins Solicitors LLP**  
(Ref: JDC/37418.0861)  
(Email: jonathan.cox@anthonymcollins.com)

**Respondents** : **33,463 households in various regions**

**Properties** : **Various properties in various locations  
owned and managed by Clarion Housing  
Association Limited or Latimer  
Developments Limited**

**Judge** : **Timothy Powell**

**Date of directions** : **10 June 2020**

---

**DIRECTIONS ON AN APPLICATION UNDER SECTION 20ZA OF  
THE LANDLORD AND TENANT ACT 1985**

The parties may agree between themselves any reasonable change to the dates in these Directions EXCEPT for the date of sending the bundles and the hearing date/s.

---

**IMPORTANT – COVID 19 ARRANGEMENTS**

- Due to the Covid-19 pandemic the London Regional office of the tribunal at 10 Alfred Place is closed until further notice. Judges and staff are working remotely. Neither face-to-face hearings nor property inspections are taking place. Where possible and appropriate, determinations are being made based on documents provided by parties in digital bundles. If a hearing is required, the tribunal will seek to accommodate this through the use of audio or video conferencing technology.
- Unless directed otherwise, all communications to the tribunal, including the filing of documents and bundles, should be by **email ONLY, attaching a letter in Word format**. Emails must be sent to [London.RAP@justice.gov.uk](mailto:London.RAP@justice.gov.uk). The attachment size limit is 36MB. If your attachments are larger than 36MB they must be split over several emails.

- **If a party does not have access to the Internet and/or cannot prepare digital documents, they should contact the case officer about alternative arrangements.**
- Parties are notified that, due to the pandemic and office closure, it is likely to take longer than usual for the tribunal to respond to correspondence. Please do not chase for a response unless truly urgent.

### **Background to the Application**

- (A) The applicant landlords, via their parent company Clarion Housing Group, want to enter into qualifying long-term agreements with energy suppliers, following recommendations by its energy broker, Inenco Group Limited, for the bulk purchase of gas and electricity during the period 1 April 2021 to 31 March 2024.
- (B) The applicants seek dispensation from all the consultation requirements under section 20 of the Landlord and Tenant Act 1985, on the basis that they will be able to take advantage of more competitive energy prices, if they entered into these agreements and, because of the volatile nature of energy procurement, they would not be able to obtain significant cost savings for the benefit of the tenants, if they were required to carry out the section 20 consultation process.
- (C) In addition, the applicants would be unable to provide estimated costs to tenants as required under the Service Charges (Consultation) Regulations 2003, because the energy will be purchased as and when a competitive price is identified by the brokers on the wholesale energy market.
- (D) For information, the applicants state that Inenco Group Limited acts for a number of housing associations and the applicants will be part of a £1/2 billion 'pot' that is enabling housing associations to get value for money on energy costs for their tenants.
- (E) The only issue for the tribunal is whether it is reasonable to dispense with the statutory consultation requirements. **This application does not concern the issue of whether any service charge costs will be reasonable or payable.**
- (F) The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 give guidance on how the application will be dealt with.

### **DIRECTIONS**

1. The landlords must by **23 June 2020**:
  - Write to each of the tenants concerned by email, hand delivery or first-class post, setting out the following:

- (a) Informing them of the application;
  - (b) Advising them that a copy of the application (with personal details deleted) and a copy of these directions will be available on the applicant's website, advising them of the URL address, and notifying them that any response to the application should be made by 17 July 2020;
  - (c) Informing the tenants that if they wish to receive a hard copy of the application and these directions they should write to the applicants, who will then send a copy (again, with any personal details deleted);
  - (d) Advise the tenants that as the application progresses additional documents will be added to the website, including the final decision of the tribunal, stating clearly that the final decision is likely to be uploaded on or after 1 September 2020.
- Confirm to the tribunal by email that this has been done and stating the date(s) on which this was done.
2. Those tenants who oppose the application must by **17 July 2020**:
    - Complete the attached reply form and send it by email to the tribunal; and
    - Send to the landlords, by email or by post, a statement in response to the application with a copy of the reply form. They should send with their statement copies of any documents upon which they wish to rely.
  3. The landlords must **by 14 August 2020**:
    - Prepare a digital, indexed and paginated Adobe PDF bundle of all relevant documents for use in the determination of the application, containing all of the documents on which the landlords rely, including the application form, these and any subsequent directions, copies of any replies from the tenants and any relevant correspondence with the tribunal;
    - Upload a copy of the bundle to their website;
    - Write to each of the tenants who have sent a reply form to oppose the application, by email and/or post, providing them with a link to the uploaded bundle or, if they request one, a paper copy of the bundle;
    - Also send an email to the tribunal at [London.Rap@justice.gov.uk](mailto:London.Rap@justice.gov.uk) with a similar link to the uploaded bundle, that can be downloaded by the tribunal. The subject line of the email must read: "BUNDLE FOR PAPER DETERMINATION: LON/ooBE/LDC/2020/oo67".
  4. The tribunal will determine this application during the seven days commencing **31 August 2020** based on written representations.

5. However, any party may make a request to the tribunal that a hearing should be held. Any such **request for a hearing should be made by 24 August 2020**, giving an indication of any dates to avoid. The tribunal will then notify the parties of the hearing date. The hearing will have a time estimate of two hours, but either party should notify the tribunal if that time estimate is insufficient. If a hearing is requested, it shall take place on **a date to be confirmed** by remote video conferencing making use of the electronic documents received.
6. Full details of how to take part will be sent nearer the time. No specialist software will be needed to access the hearing. However, parties will need to have access to a computer, connected to the Internet, with a webcam and microphone, or a similarly enabled smartphone or tablet device. If a party does not have suitable equipment to attend a video conference, they must notify the tribunal promptly, and consideration will be given to converting the video hearing into an audio hearing, by way of telephone conferencing.
7. As the tribunal is working electronically during the current pandemic, the tribunal determining this application will not have access to a physical file, nor electronic access to documents sent to the tribunal. It is therefore essential that the parties include any relevant correspondence to the tribunal within the digital bundle.
8. The tribunal will send a copy of its eventual decision on dispensation to the representative of every represented tenant and to any unrepresented tenants, who have completed and returned the reply form attached to these directions.
9. Furthermore, the applicant landlords shall place a copy of the tribunal's eventual decision on dispensation together with an explanation of the tenants' appeal rights on their website **within 7 days of receipt** and shall maintain it there for at least 7 months, with a sufficiently prominent link to both on their home page. In this way, tenants who have not returned the reply form may view the tribunal's eventual decision on dispensation and their appeal rights on the applicant's website.

### **Attached: Reply Form for Tenants/Leaseholders**

#### **NOTES**

- a. **Whenever you send a letter or email to the tribunal you must also send a copy to the other parties (or, in the case of the applicants, post a copy on their website) and note this on the letter or email.**

- b. Documents prepared for the tribunal should be easy to read. If possible, they should be typed and use a font-size of not less than 12.**
- c. If the applicant fails to comply with these directions the tribunal may strike out all or part of their case pursuant to rule 9(3)(a) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 (“the 2013 Rules”).**
- d. If the respondent fails to comply with these directions the tribunal may bar them from taking any further part in all or part of these proceedings and may determine all issues against it pursuant to rules 9(7) and (8) of the 2013 Rules.**

### **Reply Form for Tenants/Leaseholders**

<b>Case Reference:</b>	<b>LON/00BE/LDC/2020/0067</b>
<b>Property:</b>	<b>Various properties in various locations owned and managed by Clarion Housing Association Limited and Latimer Developments Limited</b>

#### **ONLY COMPLETE AND RETURN THIS FORM IF YOU OBJECT TO THE APPLICATION**

If you do object please complete and return this form to:

The First-tier Tribunal Property Chamber (Residential Property) **by email** to:  
[London.RAP@justice.gov.uk](mailto:London.RAP@justice.gov.uk)

**And** send a copy to the landlord's representative, Anthony Collins Solicitors LLP, 134 Edmund Street, Birmingham B3 2ES (quoting ref: JDC/37418.0861) or by email to: [jonathan.cox@anthonycollins.com](mailto:jonathan.cox@anthonycollins.com) .

	Yes	No
Have you sent a statement in response to the landlord?	<input type="checkbox"/>	<input type="checkbox"/>
Do wish to attend an oral hearing?	<input type="checkbox"/>	<input type="checkbox"/>
Name address of any spokesperson or representative appointed for the leaseholder:		

**Please also complete the details below:**

<b>Date:</b>	
<b>Signature:</b>	
<b>Print Name:</b>	
<b>Address of affected property:</b>	
<b>Your correspondence address (if different):</b>	
<b>Telephone:</b>	
<b>Email:</b>	

Unit Reference:  
Agreement Reference:  
Customer Reference:

22<sup>nd</sup> June 2020

Address inserted here



**CLARION  
HOUSING**

**Clarion Housing**

Reed House  
Peachman Way  
Broadland Business Park  
Norwich NR7 0WF

Telephone: 0300 500 8000  
[myclarionhousing.com](http://myclarionhousing.com)

Dear

**Communal energy supply: A better deal**

**RE: (address inserted here)**

We are looking at ways to get better value for money from the companies who supply electricity and gas to your building's communal areas and to get the best deal we are looking to enter into a new contract. As we will be buying energy directly from the energy market, this means we aren't able to comply with the consultation process set out in Section 20 of the Landlord & Tenant Act 1985. We have therefore made an application to the First Tier Tribunal (Property Chamber) (the Tribunal) for dispensation from those requirements. We propose to start the arrangement on 1<sup>st</sup> April 2021 and for it to last for 3 years. You will find further information and FAQ's on the back of this letter.

To minimise costs, a copy of our application (with personal details deleted), and the Tribunal's directions are displayed on our website. We will display additional documents as our application progresses, including the final decision of the Tribunal, which is likely to be uploaded on or after 1<sup>st</sup> September 2020.

To view please go to [myclarionhousing.com/communalenergysupplier](http://myclarionhousing.com/communalenergysupplier). Please note any response to our application should be made by **17<sup>th</sup> July 2020** in accordance with the directions.

If you are unable to access the website and would like us to send you a copy of our application and the directions, or have any questions about this letter, please contact us:-

- by telephone on 0300 500 8000
- by email [S20EnergyDispensation@myclarionhousing.com](mailto:S20EnergyDispensation@myclarionhousing.com)
- by post by writing to us at: Clarion Housing Group (Section 20 Team), Reed House, Peachman Way, Broadland Business Park, Norwich, NR7 0WF.

Yours sincerely

Adrian Shaw  
Clarion Housing - Head of Service Charges and Section 20

## **Frequently asked questions: communal energy**

### **What is communal energy?**

Energy (gas and/or electricity) supplied to the areas that we either light or heat, or provide power to outside of your own front door is referred to as 'communal energy'. For example, lighting the stairs leading to your flat, or powering a door entry system. You may currently be paying for this as part of your annual service charges.

### **What is dispensation?**

We are required to consult with customers before entering any long-term agreement for services under Section 20 of the Landlord and Tenant Act 1985. This Section 20 requires us to consult with you using a series of notices and following a timetable (the "Process"). Some of the agreements we wish to enter into to purchase communal energy will be long-term agreements. A dispensation in this instance is special permission, from the First Tier Tribunal (Property Chamber), to enter into agreements without following the Process.

### **Why isn't Clarion formally consulting its residents?**

When we're trying to get the best energy deals for you, suppliers are only able to lock in the best available prices for a very short time (typically one working day). This short period means there isn't enough time for us to consult with you and follow the Process.

### **What do I have to do now?**

Nothing, unless you wish to make observations to the Tribunal. This communication is to let you know that we are applying for dispensation to get you the best energy deal on longer-term arrangements.

### **What if I don't agree with this change?**

You can email the Tribunal directly to make your own representations using their reply form (please use the website details provided in the letter). Please make sure any representations are made in accordance with the Tribunal's directions. Please ensure you send our solicitor a copy of the reply form, your statement in response to the application and copies of any other documents you wish to rely on, either by email to [jonathan.cox@anthonymcollins.com](mailto:jonathan.cox@anthonymcollins.com) or by post to *Anthony Collins Solicitors LLP, 134 Edmund Street, Birmingham B3 2ES* quoting ref: JDC/37418.0861. **Any response must be made by 17th July 2020**

If you are unable to obtain the reply form from the website please email [S20EnergyDispensation@myclarionhousing.com](mailto:S20EnergyDispensation@myclarionhousing.com) or call Clarion on 0300 500 8000.

### **Does this effect who I choose to pay as my home supplier?**

No, it doesn't. The communal supply will not change any existing arrangements you already have with the gas and/or electricity suppliers you have in place for your home.

### **How can I trust you'll get the best deal?**

We will work with a specialist energy consultancy to ensure that energy prices are kept as low and stable as possible.

### **If it's a good deal will Clarion be using this contract for your offices?**

We are. We'll be using the same arrangements to buy energy for our own offices. We will be including all our offices and community centres. We want the best deal for all of us going forward, for years to come.



**What if dispensation is not granted?**

We will buy energy on 364-day rolling contracts. We cannot get the best deals this way and its likely energy costs will continue to climb year on year, something we are keen to protect you from.

**Property Chamber  
London Residential Property  
First Tier Tribunal**  
10 Alfred Place,  
London,  
WC1E 7LR

**Our ref:** JDC/37418.0861

**Your ref:**

25<sup>th</sup> June 2020

Dear Sirs

**Case reference: LON/00BE/LDC/2020/0067**

**Clarion Housing Association Limited & Latimer Developments Limited (both part of Clarion Housing Group Limited) v various tenants and leaseholders in England**

We confirm in accordance with paragraph 1 of the Directions dated 10<sup>th</sup> June 2020 that a letter was sent to the tenants and leaseholders on 22<sup>nd</sup> June providing the information set out in sub-paragraphs (a) – (d).

Yours faithfully



**Jonathan Cox**  
**Partner**  
for Anthony Collins Solicitors LLP

Direct Line:

Departmental Fax:

Email Address:

[jonathan.cox](mailto:jonathan.cox@anthonicollins.com)

7196613-1

### Reply Form for Tenants/Leaseholders

<b>Case Reference:</b>	<b>LON/00BE/LDC/2020/0067</b>
<b>Property:</b>	<b>Various properties in various locations owned and managed by Clarion Housing Association Limited and Latimer Developments Limited</b>

**ONLY COMPLETE AND RETURN THIS FORM IF YOU OBJECT TO THE APPLICATION**


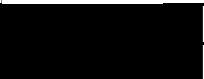
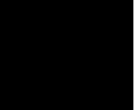

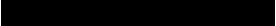
If you do object please complete and return this form to:

The First-tier Tribunal Property Chamber (Residential Property) **by email** to:  
[London.RAP@justice.gov.uk](mailto:London.RAP@justice.gov.uk)

**And** send a copy to the landlord's representative, Anthony Collins Solicitors LLP, 134 Edmund Street, Birmingham B3 2ES (quoting ref: JDC/37418.0861) or by email to: [jonathan.cox@anthonicollins.com](mailto:jonathan.cox@anthonicollins.com) .

	Yes	No
Have you sent a statement in response to the landlord?	<b>X</b>	<input type="checkbox"/>
Do wish to attend an oral hearing?	<input type="checkbox"/>	<b>X</b>
Name address of any spokesperson or representative appointed for the leaseholder:	See belows	

**Please also complete the details below:**

<b>Date:</b>	5/7/2020
<b>Signature:</b>	
<b>Print Name:</b>	
<b>Address of affected property:</b>	
<b>Your correspondence address (if different):</b>	
<b>Telephone:</b>	
<b>Email:</b>	

**From:** JP [REDACTED]  
**Sent:** 09 July 2020 20:42  
**To:** London.RAP@justice.gov.uk  
**Cc:** Jonathan Cox; [REDACTED]  
**Subject:** Objection to notice to change energy supplier - Tribunal case reference LON/00BE/LDC/2020/0067; Clarion Solicitor case reference JDC/37418.0861  
**Attachments:** Reply-Form\_clarion\_energy.pdf

Dear Tribunal Property Chamber,

We wish to object to the circumvention of Section 20 of the Landlord & Tenant Act 1985 set out in the letter from Clarion dated 22nd June 2020. Tribunal case reference LON/00BE/LDC/2020/0067; Clarion Solicitor case reference JDC/37418.0861.

### **Statement in response to the application**

We understand that Clarion are looking for options to get better value for money but the approach set out is both vague, removes tenants from the selection process, does not align to the social purpose of Clarion and fails to set out the risk of potentially higher prices due to market volatility. It is vague in that it does not clearly set out how much residents and Clarion will benefit from this arrangement. For example it could benefit one party more than the other and there is no transparency of this process. Second, having tenant consultation is expressed as taking too much time as the best deal would not be available - it is unacceptable to replace a democratic process simply to save time (& potentially money) without the consent of residents. There is no explanation on what better value for money is, how it will be selected and why it is important for Clarion and residents. Clarion is a housing association and acts as a business with a social purpose. Clearly this is not simply about value for money as may be expected of a typical business. So we would expect them to be looking for more responsible and sustainable energy supplies - and there are various options (e.g. People's Energy, Bulb, Octopus, Bristol Energy etc) as well as buying from responsible and sustainable wholesale energy suppliers. Finally, as markets are volatile, and much less predictable at present due to global economic conditions, there is equally the risk that the purchase will be more expensive for residents over the long-term than other options - this is not clearly explained to residents in making the application.

It is disappointing learn of Clarion's approach and we do object to the process they have set out. We hope Clarion will take this into consideration to develop a more detailed consultation setting out the value for tenants & Clarion and commit to sourcing responsible and sustainable energy supplies. Then an agreement in principle should be developed from that process.

A copy of the Tribunal form is attached.

This email is also copied to Clarion's solicitor ([jonathan.cox@clarion.com](mailto:jonathan.cox@clarion.com)) for their records.

Yours faithfully,

[REDACTED] and [REDACTED]

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On behalf of: The Applicants  
Name of witness: Adrian Shaw  
Statement no: Second  
Exhibit: AS3  
Date: 28 July 2020

CASE REFERENCE: LON/00BE/LDC/2020/0067

IN THE FIRST TIER TRIBUNAL PROPERTY CHAMBER

(RESIDENTIAL PROPERTY)

BETWEEN

(1) Clarion Housing Association Limited

(2) Latimer Developments Limited

Applicants

And

(3) Various tenants and leaseholders

Respondents

I Adrian Shaw of (Level 2 & 3) Interchange, 81-85 Station Rd, Croydon CR0 2AJ duly authorised by the Applicants to state as follows: -

1. I am employed as Head of Service Charges of Clarion Housing Group which includes its two subsidiary landlords Clarion Housing Association Limited and Latimer Developments Limited (the Applicants). I am duly authorised to make this statement on behalf of the Applicants.
2. The facts and matters set out in this statement are within my own knowledge and I believe them to be true. Facts and matters derived from other sources are true to the best of my knowledge and belief.
3. This is my second statement in these proceedings. I make this statement in order to respond to the reply the Claimant received on 9 July 2020 by individuals I will refer to as JH and CG, in order to protect their identities (as this statement will be widely accessible on the Claimant's website).
4. JH and CG raise concern over the possibility of potential price rises because of the proposed energy procurement process. I understand that Dan Pardesi, our energy broker at Inenco has responded to this concern in his own witness statement. I would also like to add the observation that of course, the dispensation only concerns the section 20 consultation process and it does not disapply s19 Landlord & Tenant Act 1985 regarding reasonableness. Therefore, if any resident were of the view that the service charge for communal energy was unreasonable, a claim could be brought.

5. The second issue raised by JH and CG relates to sourcing responsible and sustainable energy supplies for the communal areas in line with the Applicants' social purpose. Environmental sustainability is something that the Applicants are committed to. Clarion Housing Group has created a sustainability strategy covering the whole Group approach to environmental sustainability. One of its objectives within that is to reduce fuel poverty. Clarion Housing Group is the UK's first housing association to adopt the Certified Sustainable Housing Label, which incorporates 30 social and green indicators mirroring the principles developed by the UN. These principles include providing affordable, clean energy. Of course, the Applicants' sustainable objectives need to be balanced against its obligation to reduce costs that are passed on to its residents through a service charge. Many of the residents who pay a service charge for communal energy usage are social residents (either the tenants or shared owners), who by definition are on lower income levels.
6. Nonetheless, the Group recognises that contractors and suppliers are a key part of its indirect environmental footprint. As such, commitment to sustainability and environmental management approach is one of its key criteria in the selection process for contractors. This will have been applied to Inenco when the master agreement was entered into.
7. It has been agreed with Inenco that two key drivers for the energy procurement process are social value and sustainability. Part of the Applicants' strategy to tackle fuel poverty within its communities is to secure a low and stable price of energy which is used within communal areas and included within service charges. In order to do this, the Applicants' need to ensure that a long term strategic approach is taken. The Applicants do consider the sustainability of its energy supply. Several of its existing contracts have been supplied by 100% renewable energy over the past year. This is something that it aims to continue, subject to availability within the market and costing from suppliers. However, the issue of environmental sustainability must be considered in conjunction with the potential impact on affordability and fuel poverty amongst residents.

#### **STATEMENT OF TRUTH**

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

**I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.**

**Signed**



**Adrian Shaw**

**Date** 28<sup>th</sup> July 2020

i) On behalf of: Applicants  
ii) Name of Witness: Dan Pardesi  
iii) Statement No: 1st  
iv) Dated: 11.08.2020  
v) Exhibits:

**IN THE FIRST TIER TRIBUNAL  
PROPERTY CHAMBER  
(RESIDENTIAL PROPERTY)**

**CASE REF: LON/00BE/LDC/2020/0067**

**B E T W E E N:**

**(1) CLARION HOUSING ASSOCIATION LIMITED  
(2) LATIMER DEVELOPMENTS LIMITED**

**APPLICANTS**

**and**

**VARIOUS TENANTS AND LEASEHOLDERS**

**RESPONDENTS**

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**WITNESS STATEMENT of DAN PARDESI**

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**I, DAN PARDESI employed as Head of Social Housing, MEI Chartered Energy Manager for Inenco of Ribble House, Balam Road, Lytham, Lancashire FY8 4TS WILL SAY AS FOLLOWS:-**

1. I am an energy manager chartered by the Energy Institute (a “Chartered Energy Manager”) employed by Inenco. Inenco has been contracted by the Applicants as an energy consultant.
2. I make this Statement in support of the Applicants’ Application for Dispensation. The purpose of this Statement is to explain the procurement methodology that the Applicants proposes to follow if dispensation is granted, to further explain the rationale for energy to be procured in this way and to respond to the one reply that the Applicants received in response to the Dispensation Application.



3. Inenco procures and manages energy supply. It currently manages 2.5 terawatt of energy worth £2.4 billion and has over 50 years' experience in the energy sector.
4. As a specialist in energy management, I am familiar with application of section 20 of the Landlord and Tenant Act 1985 to qualifying long term agreements under the consultation obligations of the Service Charges. I shall refer to this generally as the Section 20 requirements.
5. The Applicants entered into an Agreement with Inenco on 4 March 2020 for Inenco to procure gas and electricity from the wholesale market. The procurement is in respect of Clarion's business premises and shared spaces within its housing stock which are included within the service charge; there is no separate procurement exercise.
6. Inenco's role under this Agreement is to secure OJEU compliant energy supply contracts and procure energy from wholesale markets in line with the purchasing strategy instructed by Clarion Housing. Purchasing energy from the wholesale market secures competitive pricing as it negates the need to place all volume on a single day of the year.
7. Energy is a commodity and trades on the energy market. Energy prices change minute by minute and it is a very volatile market which has long term forecast increases. Prices for energy are only held for a matter of hours rather than the 60 days needed to consult with residents. As such, it is vital to ensure flexibility in the timing for entering into those agreements with suppliers and trading to secure prices from the market. In the interest of cost efficiency and best value to residents, Clarion Housing would like the flexibility to secure pricing from the market for periods exceeding one year when the market is favourable. Long term stability and best value is unlikely to be possible to secure whilst complying with Section 20 requirements.
8. I am aware that under the Directions made in this Application, residents had the opportunity to reply to the Application. I have been informed by the Applicants' solicitor that only one reply has been received and I have been given a copy of the Statement in Response. In this response concerns is raised about the possibility that prices could rise because of the procurement process. To that, I would respond as follows.

9. Energy prices are driven by two elements; the energy commodities markets and non-commodity costs which are made up of transportation costs, taxes and levies. Non-commodity costs are largely unavoidable and subject to periodic increases. Energy commodity costs vary according to the market. One of the aims of the proposed approach is to reduce the risk associated with market fluctuation and the long-term forecast rises in the energy commodity markets and to therefore to maintain as low and stable a service charge to residents as possible.
10. Without achieving section 20 dispensation, the Applicant will be forced to use 12-month energy supply contracts. This means that on a given day prices will be secured in full for the following contract year. This leaves the Applicant and therefore its residents' service charge bills at the mercy of the energy commodities markets on the particular day when the tender takes place. It also means that 12 months later, when contracts end, it would need to repeat this process with the markets likely in a different position. This could result in large year to year variation on the energy costs portion of the service charge.
11. Using the proposed approach, we will continuously monitor the market and to secure our commodity costs at opportune moments within market cycle. This means that we will be able to manage the risk of variable and rising energy commodity costs over future years, securing long term stability and value for residents.
12. In order for the Applicants to obtain the most competitive price for energy used within shared spaces, the cost of which will be passed on to social tenants who by definition will not have a large disposable income, I support the Applicants' Application for Dispensation.

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

**I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.**



Signed.....

Dated..... 11.08.2020.....

Position Held... Head of Social Housing, Inenco.....

i) On behalf of: Applicants  
ii) Name of Witness: Dan Pardesi  
iii) Statement No: 1st  
iv) Dated: 27.7.2020 11/08/20  
v) Exhibits:

**CASE REF: LON/00BE/LDC/2020/0067**

**IN THE FIRST TIER TRIBUNAL PROPERTY  
CHAMBER  
(RESIDENTIAL PROPERTY)**

**B E T W E E N:**

**(1) CLARION HOUSING ASSOCIATION  
LIMITED**

**(2) LATIMER DEVELOPMENTS LIMITED**

**Applicants**

**and**

**VARIOUS TENANTS AND LEASEHOLDERS**

**Respondents**

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**WITNESS STATEMENT of DAN PARDESI**

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**Anthony Collins Solicitors LLP  
134 Edmund Street  
Birmingham  
B3 2ES**

**Ref: RJS/37418.0861**

**Solicitors for the Applicant**