



Ministry of
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Sir Peter Bottomley MP
House of Commons
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Dear Peter

LEASEHOLD VALUATION TRIBUNALS

In the pre-recess adjournment debate on 17 July you raised the issue of leasehold valuation tribunals (LVTs) and the position of leaseholders where there is an apparent "inequality of arms" between the parties in terms of their representation. The Deputy Leader of the House promised that you would receive a response from the Ministry of Justice to the points you raised. I understand that he also wrote about the Debate to the Rt Hon Eric Pickles MP, as Secretary of State for Communities and Local Government, and this letter reflects the input of his Department also.

By way of background, LVTs form part of the Residential Property Tribunal Service (RPTS). This Non-Departmental Public Body (NDPB) was formerly sponsored by the Department of Communities & Local Government (DCLG), but transferred on 1 July 2011 to form part of HM Courts & Tribunals Service in the Ministry of Justice. As you are aware, LVTs have statutory responsibility for settling disputes affecting leaseholders in a number of subject areas.

The issues you raise about the tactics used by legal representatives are applicable to both courts and tribunals. I cannot comment on the individual case you mention, but we do try to make LVTs, in common with other tribunals, as open and accessible as possible to parties.

Tribunals tend by nature to be inquisitorial rather than adversarial in nature and, while bound by procedural rules, their aim is to hold hearings in a less formal setting. Tribunal members are trained not to permit attempts at oppressive behaviour by representatives, and will help unrepresented parties frame questions where necessary. The LVTs also work with pro bono legal advice and representation schemes in some areas.

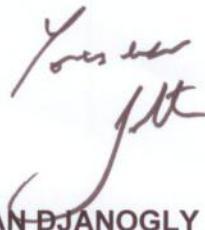
Unrepresented parties may also find it useful to contact the Leasehold Advisory Service (LEASE), an NDPB funded by DCLG - with a minor contribution from the Welsh Assembly Government - to provide free initial legal advice and information on

a wide range of residential leasehold issues. LEASE offers advice (but not representation) to leaseholders – including the older and more vulnerable - on matters including navigating the LVT process.

LVTs may exceptionally award up to £500 costs against a party which has acted abusively or vexatiously or otherwise unreasonably in connection with proceedings. In service charge disputes, the tribunal can make an order stopping the landlord from putting their incurred costs back onto the service charge.

Finally, I would add that I am keen to promote the use of alternative dispute resolution such as mediation wherever possible. In appropriate cases mediation can be both a more cost-effective and less stressful way for parties to settle disputes than a formal hearing. The LVTs have been operating their own mediation scheme since 2005, and it has been very successful.

I am copying this letter to the Deputy Leader and also to Grant Shapps MP at DCLG.

A handwritten signature in black ink, appearing to read 'Jonathan Djanogly', with a stylized flourish at the end.

JONATHAN DJANOGLY