

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

Case Reference : **BIR/00CN/LDC/2025/0028**

Subject Properties : **70 Holmes Close
Norwich
Norfolk NR7 9XN
And other properties managed by the
Applicant**

Applicant : **Orbit Group Limited**

Representative : **Shakespeare Martineau LLP**

Respondents : **Tenants of the subject properties**

Type of Application : **Application under section 20ZA of the
Landlord and Tenant Act 1985 for
dispensation of the consultation
requirements in respect of a qualifying
long term agreement**

APPLICANT’S REPLY TO OPPOSITIONS RECEIVED TO THE APPLICATION

Introduction

1. This Reply To Oppositions Received To The Application has been prepared pursuant to Paragraph 10 of the Directions of Deputy Regional Judge Nigel Gravells dated 3 November 2025 (“the Directions”).

2. The Applicant will include copies of all formal replies received to this Application in the Bundle of Documents (“the Bundle”) which is to be prepared and submitted to the Tribunal by 30 January 2026 in accordance with the Directions.
3. The Applicant has also received a number of informal queries in relation to the Application. The Applicant has kept a log of the informal queries received and the responses provided by the Applicant. This log will be included in the Bundle.
4. The Applicant has considered the responses received in opposition to the Application and will say as follows:

Purpose of Application

5. The Applicant seeks dispensation under Section 20ZA of the Landlord and Tenant Act 1985 solely to enable the procurement of longer-term gas and electricity contracts for communal and, in some cases, utilities consumed within customers’ homes, known as personal utility charges. This is to achieve cost stability and potential savings for customers in a volatile energy market.

Respondents’ Concerns Regarding Prejudice

6. The Applicant acknowledges the importance of consultation and the Tribunal’s focus on whether tenants will suffer relevant prejudice. However, the Applicant submits that: The proposed dispensation does not remove tenants’ rights to challenge the reasonableness of charges under Section 27A. The Applicant will continue to provide full transparency post-contract, including details of suppliers, tariffs, and contract terms. The Applicant

will act only where longer-term contracts demonstrably offer better value than annual agreements.

Market Volatility and Timing Constraints

7. Energy quotations are typically valid for only a few hours. A 30-day consultation period makes it practically impossible to secure advantageous rates when they arise. Without dispensation, the Applicant is restricted to short-term contracts, which are less competitive and create greater uncertainty for tenants.

Safeguards Offered

8. To address concerns, the Applicant proposes to provide annual disclosure of contract details and comparative data; exploration of break clauses where commercially feasible and continued engagement with residents through surveys and updates.

Respondents' Allegations of Past Conduct

9. The Applicant respectfully submits that historical disputes or Ombudsman findings do not alter the legal test under Section 20ZA, which is forward-looking and concerned with mitigating prejudice in the specific context of this application. The Applicant's objective is to secure better value for tenants, not to avoid scrutiny.

Conclusion

10. The Applicant invites the Tribunal to grant dispensation, subject to any conditions it considers appropriate, so that the Applicant can act swiftly to secure competitive energy rates for the benefit of all affected customers.

Statement of Truth

The Applicant believes that the facts stated in this Reply To Oppositions Received To The Application 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:

Name: Gary Ekpenyoung, Partner, Shakespeare Martineau LLP, Solicitors for the Applicant

Dated: 14 January 2026