

## **CHAIR'S DIRECTIONS**

**(as to service)**

### **Summary**

1. The Tribunal will serve in the manner set out in these directions:
  - All respondents who are named in the claim with the claimant's documents.
  - All respondents subsequently joined to the claim with the relevant adjudication documents.
  - All parties with notices of conferences, mediation and hearings.
  - Procedural Orders issued by the Tribunal.
  
2. Parties are responsible for serving the following documents in the manner set out in these directions:
  - Key procedural and preliminary applications filed by them such as applications for joinder or removal.
  - Opposition, responses and replies in relation to preliminary and procedural applications.
  - Hearing documents.

### **Service on Respondents**

3. The Tribunal will on behalf of claimants undertake service by way of track and trace courier on all respondents whether named when the claim is filed or joined subsequently to a claim.
  
4. Where service is unable to be effected by way of track and trace courier and personal service is required, this is likely to be at the cost of the claimant or the party who sought the joinder of the new respondent.
  
5. Where claimants elect to undertake initial service of documents on respondents they should not effect service until they have received confirmation that the claim has been accepted and registered with the Tribunal.

### **Service of notices of hearing, procedural orders and other documentation by the Tribunal**

6. The Tribunal will serve all procedural orders and notices of conferences, mediations and hearings by both email, where the party's email address is known **and** by one of the following methods:
  - Where the address for service has been confirmed by the party by posting a hard copy of the notice or order to that address, or
  - Where there has been no contact from the party or where that party's address for service has not been confirmed by way of track and trace courier, or
  - As directed in any order for substituted service made in relation to the original documentation.
7. The Tribunal will respond to applications for adjournment, circulate suggestions as to mediation dates and respond to requests for information by email only unless the Tribunal response is issued by way of Procedural Order. If a Procedural Order is issued it will be circulated by email and by hard copy as detailed above.

### **Service of applications for joinder and removal and opposition, responses or replies to those applications**

8. The following guidelines apply to parties filing:
  - Preliminary or procedural applications such as joinder or removal applications, and
  - Other key jurisdictional applications, and
  - Responses or opposition to such procedural applications, and
  - Replies to oppositions or submissions
9. The party filing any such document is to file and serve them in the following way:
  - By service on the Tribunal by both email (where possible) and in hardcopy by post, personal delivery or courier; **and**
  - By service on all other parties by email **and** by hardcopy either by regular post, DX delivery, personal delivery or courier. The party filing such documents is to provide the Tribunal with confirmation that they have served all other parties. This can be done by noting on the covering letter to the Tribunal that it was copied to the other parties
10. In other words, any party filing a procedural application, or filing a response or reply in relation to such an application, must serve a hard copy of such an application or response on the Tribunal and all other parties to the claim as well as sending the documents by email.

### **Applications for adjournments, postponements and other more procedural applications**

11. Applications for adjournments, postponements, requests for further information and other procedural applications may be served on the Tribunal and on other parties by email.
12. It is preferable that applications for adjournment and other such procedural applications be attached as a word document or pdf rather than concluded in the body of an email.
13. When filing such an email application or request, or responding to it, the party filing or responding is required to copy the email communication to all other parties. If there is no email address for any party the Tribunal can be requested to arrange service on that party

### **Hearing Documents**

14. Each party is required to file electronic and hard copies of all their hearing documents with the Tribunal and either serve all other parties with hardcopies or provide the Tribunal with sufficient number of hardcopies for other parties to be served. This general direction may however be amended or changed by specific direction in relation to any individual case by the Tribunal Member assigned to that case.

### **Substituted Service**

15. Where a party is unable to be served either by way of track and trace courier or by personal service the Tribunal can consider directing substituted service on the application of any party or on its own initiative. Substituted service is only likely to be ordered if the Tribunal is satisfied that is more likely than not that the documents to be served will be brought to the notice of the party sought to be served by an alternative method of service. Methods of substituted service could include one or a combination of the following:
  - By service on a close family member or close associate.
  - By way of email where there is evidence that the email address is an active address and that the proposed recipient has recently received other communications or sent other communications from that address.
  - By posting information on the proposed recipient's page on a social networking site.
  - By advertising in a local paper.
  - By service on the party's solicitor, if it is confirmed that the solicitor is still acting for the party.

**Date directions come into force**

16. These directions come into force as from 1 May 2009.

P A McConnell  
Chair, Weathertight Homes Tribunal  
22 April 2009