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

Case Reference	:	LON/00AW/LDC/2013/0140
Property	:	Cumberland House, 1 Kensington Road, London W8 5NX.
Applicant	:	Cumberland House (Kensington) Limited
Representative	:	Blenheims Estate and Asset Management Limited
Respondent	:	Lessees of the Apartments
Representative	:	
Type of Application	:	Application for Dispensation under S.20ZA Landlord & Tenant Act 1985.
Tribunal Members	:	Miss. A. Hamilton-Farey LLB, FRICS, FCI Arb
Date of Decision	:	12 February 2014.

DECISION

Decisions of the Tribunal

- (1) The Tribunal grants dispensation from all of the consultation requirements under S.20 of the Landlord & Tenant Act 1985 in relation to the replacement of the main drive of the passenger lift at the above premises.

- (2) Lessees were informed in the Directions issued by the Tribunal that the question of reasonableness of the works or cost was not included in this application, and that the sole purpose of the application was to seek dispensation.

Reasons for the Decision:

- (3) The Tribunal determines from the evidence before it, that the works required to bring the passenger lift back into service were urgently required, and that it would cause great inconvenience to the residents if this repair was not undertaken until after the full S.20 process had been completed.

The Applicants' Case:

1. The application under S.20ZA of the Landlord & Tenant Act 1985 ("the Act") was made by the agents on behalf of the applicants on 5 December 2013.
2. The application concerned works to replace a faulty main drive to the passenger lift. It is understood that an order for the works was placed on 4 December 2013 and that delivery and installation would take approximately 5 working days.
3. Lessees had been informed of the intention to carry out the works, and also that they could only be undertaken by one contractor 'Omega City Lifts' and that alternative quotations could therefore not be obtained. The applicants had sought independent advice on the problems with the lift and this documentation was provided to the Tribunal in the bundle.
4. Although there was a working 'goods' lift in the premises that could be used in the interim period, this did not meet current health and safety regulations (for the carriage of passengers) and was therefore deemed by the applicants to be unsuitable.
5. Directions in respect of the application were issued on 9 December 2013 and requested that, any respondent who opposed the application should notify the tribunal no later than 10 January 2014. No such representations were received by the Tribunal.
6. The Tribunal is satisfied that the respondents do not oppose by the application, that they had been given sufficient time to make their views known and have not provided any evidence to demonstrate that these works were not urgent as is claimed, or that full consultation should be undertaken.

7. On the evidence before it, and in these circumstances, the Tribunal considers that it is entitled therefore to determine from the lack of response by the respondents, that they did not oppose the application for dispensation.

Aileen Hamilton-Farey