



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

**Case Reference** : LON/00BK/LDC/2013/0018

**Property** : Block 10 Ashley Gardens, Thirleby Road, London SW1P 1HN.

**Applicant** : Block 10 Ashley Gardens Limited

**Representative** : Managed Living Partnerships Limited

**Respondent** : Various Lessees

**Representative** : None known

**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** : 25 February 2014.

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**DECISION**

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**Decisions of the Tribunal**

- (1) The Tribunal grants dispensation from the requirements to consult lessees in relation to the removal of asbestos from within the lift shaft of the premises.

- (2) The Tribunal makes no determination on whether or not the works if carried out, will be of a reasonable standard or undertaken at a reasonable cost.

**Reasons for the Decision:**

- (3) The Tribunal received the application in relation to these works on 4 February 2014, and Directions were issued on 7 February. These required, amongst other things, that the lessees respond to the application stating whether or not they supported the landlord's case that full consultation should not be undertaken due to the urgency of the works. The responses were requested by 17 February, of the 32 lessees 14 have responded to the Tribunal to the effect that they support the application, they do not require an oral hearing and they are content for the matter to proceed on the papers.
- (4) With respect to the remaining lessees who have not responded, I am satisfied that they have been given an opportunity to do so, and that I interpret their lack of response to their supporting the application.
- (5) On this basis and on the evidence before me, I consider that the works are of an urgent nature and that it would not be feasible for the landlord to enter into a consultation exercise, that is largely supported by residents in any event. I consider that the application under S.20ZA should succeed and dispense with the requirements to consult.

**Background to the Application:**

- (6) The application concerned the removal of asbestos from the lift shaft in the property. It is understood that works are required to the lift that involve the moving of the lift car, but that it is unsafe to do so until the asbestos is removed.
- (7) The applicants states that the block extends to 8 floors and includes residents who rely on the lift to access their properties. They say that for the necessary safety and comfort of all residents the lift should be restored to working order as soon as possible, but that the asbestos removal works must be undertaken first.
- (8) A contractor has provided an estimate for the work, which will take in the region of 10 days, and it is therefore urgent that the works progress. The contractor's quotation has been supplied to residents for their information.

Aileen Hamilton-Farey