

9/20/14



Case Reference : **LON/OOBK/LDC/2013/0130**

Property : **Hereford House 66 north
Street London W1K 7DE**

Applicant : **Fern Trustees 1 and Fern
Trustees II acting as joint
trustee for Marble Arch
Unit Trust Limited**

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

Respondent : **Leaseholders of the property
as per the schedule attached**

Representative :

Type of Application : **Determination of liability to
pay service charges**

Tribunal Members : **Judge P Leighton LLB
Mr L Jarero B Sc FRICS**

Date and venue of PTR : **10 Alfred Place, London
WC1E 7LR**

Date of Hearing : **15th January 2014**

Date of Decision : **15th January 2014**

DECISION

Introduction

- 1 By an application dated 21st November 2013 the landlord the joint trustees of Marble Arch Unit Trust Limited apply for dispensation from the provisions of section 20 of the Landlord and Tenant Act 1985 ("the Act") in relation to their wish to install an Optimum 200 Platform Lift at Hereford House 66 North Street London W1 K 7DE ("the property")
- 2 The property consists of 23 self contained flats . It has a common entrance hall with approximately 8 steps leading up to a lobby on which the lift is to be found granting access to the upper floors.
- 3 At the time of the application there were two residents of the block who were wheelchair bound and require access to the lift level. Subsequently one of the residents has died and the only person requiring the facility at present is Mr Astaire of flat 35.
- 4 The apparatus in question is of a specialist nature and is not generally available. The landlords have therefore only been able to obtain a quotation from Optimum who specialise in this type of apparatus. They have provided a quotation for £9,527 plus VAT which will result in a contribution of between £400 to £500 from each lessee
- 5 A notice of intention under Section 20 of the Act was sent on 19th November 2013 informing leaseholders of the arrangements. No alternative contractors were suggested.
- S Following the directions on 28th November a reply has been received from 3 leaseholders including Mr Astaire supporting the landlord's proposal for dispensation. Subsequently an email was received from Trident Trust (possibly representing flat 46) raising a tentative objection to the proposal in principle but objecting to the requirement to contribute to the cost. This is not a matter which the tribunal is required to consider at this stage but the landlord may wish to investigate further the statutory requirements for the building in the event that an objection under Section 27A is received at a later date

The tribunal's Decision

- 9 The tribunal is satisfied that it would be reasonable to grant dispensation from the provisions of the Act on the grounds that this is specialist equipment, that there is unlikely to be an available alternative quotation and those leaseholders who have replied do not object to the application
- 10 The issues raised by Trident Trust may be relevant if issues of payability arise at a later stage but do not affect the question of whether it would be reasonable to grant dispensation

Chairman Judge Peter Leighton

Date 15th January 2014