



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

Case Reference : **MAN/00BN/LDC/2013/0014**

Properties : **Various properties at the Brunswick Estate, Manchester**

Applicant : **Manchester City Council**

Respondents : **See list attached**

Type of Application : **Landlord and Tenant Act 1985 – Section 20ZA**

Tribunal Members : **Mrs.C.Wood**
Mr.M.Hope

Date of Decision : **14 September 2013**

DECISION

1. By an application dated 17 May 2013 (“the Application”), the Applicant sought a determination that it was reasonable to dispense with the consultation requirements in respect of qualifying works described in more detail in the document entitled “Grounds for Seeking Dispensation” (“ the Grounds”) which supported the Application.
2. By directions dated 12 June 2013 (“the Directions”), it was considered that the Application could be dealt with by submission of written evidence leading to an early determination.
3. In accordance with the Directions, the Applicant served a copy of the Application and each accompanying document (including the Grounds) on each of the Respondents and confirmed that it had done so to the Tribunal.
4. Written representations were received from one of the Respondents, Mr.Richard Slade by letter dated 20 July 2013.

5. In the Grounds the Applicant:
 - 5.1 sets out the background to the Application and, in particular, detailed the circumstances behind what is referred to as the Brunswick PFI contract. Although not finalised at the date of the Application, in the Applicant's opinion this contract will constitute a qualifying long term agreement ("QLTA") as it is likely that, as a result of the works and services to be carried out to the Properties under the terms of the contract, each of the Respondents will be expected to pay more than £100 per annum in service charge contributions;
 - 5.2 details the consultation which has been carried out with the Respondents but acknowledges that it had failed to give notice of its intention to enter into a QLTA before it placed a notice in the Official Journal of the European Union ("OJ") on 6 August 2007. This was pointed out to the Applicant by one of the Respondents referred to in the Grounds as "Miss X";
 - 5.3 explains the reason for the delay in making the Application; and
 - 5.4 states that, in the context of the works to be carried out under the QLTA, the Properties form a very small element of the project, and that no prejudice, or alternatively no significant prejudice has been caused by the failure to serve the notice prior to the publication of the notice in the OJ and that it is therefore reasonable to dispense with the consultation requirements.
6. In his submissions, Mr.Slade states:
 - 6.1 that he does not consider that the Applicant has properly consulted him about the redevelopment of his home;
 - 6.2 that, had he been given the opportunity to do so, he would certainly have wanted to contribute to the discussion about the Applicant's development plans;
 - 6.3 whilst recognising the context, that the purpose of the legislation is to ensure that individuals are involved in decisions which may have major impacts for them.
7. Having considered the information submitted to it, the Tribunal did not consider that there was evidence of any prejudice having been suffered by the Respondents as, in the context of this development, it is unlikely that the nature and/or extent of the works to be carried out under the QLTA would have been different had the Respondents been consulted. In particular, the Tribunal considered that the issue of compensation raised by Mr.Slade (and any recourse if a Respondent was dissatisfied as to the payment and/or amount of compensation) is not affected by the lack of consultation. The Tribunal is therefore satisfied that it is reasonable to dispense with the consultation requirements in respect of the QLTA.

Part A: Brunswick Leaseholders Pre OJEU notice August 2008

No			addr_line3	post_code	Parties
28	ABERDARON WALK	BRUNSWICK	MANCHESTER	M13 9TJ	Miss D Roberts
38	ABERDARON WALK	BRUNSWICK	MANCHESTER	M13 9TJ	Mr C Dawson
34	ABERDARON WALK	BRUNSWICK	MANCHESTER	M13 9TJ	Mr Roger J Taylor-Brown & Mr Philip L Taylor-Brown
25	ALLERTON WALK	BRUNSWICK	MANCHESTER	M13 9TG	Mr L A. Walker
23	ALLERTON WALK	BRUNSWICK	MANCHESTER	M13 9TG	Dr Tongyu Zhou
13	ALLERTON WALK	BRUNSWICK	MANCHESTER	M13 9TG	Mr Stephen N Joseph & Ms Nisha K Kurian
35	ALLERTON WALK	BRUNSWICK	MANCHESTER	M13 9TG	Mr A Haidery
41	ALLERTON WALK	BRUNSWICK	MANCHESTER	M13 9TG	Mr Mohammad Y. Yazdani
7	ARDEEN WALK	BRUNSWICK	MANCHESTER	M13 9SP	Ms R Read
67	ARDEEN WALK	BRUNSWICK	MANCHESTER	M13 9TA	Ms A Shaw
37	ARTILLERY COURT	BRUNSWICK	MANCHESTER	M13 9TX	Mr S A. Ali
35	ARTILLERY COURT	BRUNSWICK	MANCHESTER	M13 9TU	Mr M Farid
29	CALLUM WALK	BRUNSWICK	MANCHESTER	M13 9SZ	Mr Tahir Unaldi & Mrs Nurgul Unaldi
28	GLENBARRY CLOSE	BRUNSWICK	MANCHESTER	M13 9XR	Mr Richard Slade
6	HELMSHORE WALK	BRUNSWICK	MANCHESTER	M13 9TH	Mrs K Field
40	HELMSHORE WALK	BRUNSWICK	MANCHESTER	M13 9TH	Mr J Eccleston & Mrs S Eccleston
32	HELMSHORE WALK	BRUNSWICK	MANCHESTER	M13 9TH	Mrs H Ghidaoui
20	HURSTHEAD WALK	BRUNSWICK	MANCHESTER	M13 9UT	Mr David Muruthi Mutonyi
12	HURSTHEAD WALK	BRUNSWICK	MANCHESTER	M13 9UT	Mr A. Adeyemi
36	HURSTHEAD WALK	BRUNSWICK	MANCHESTER	M13 9UT	Mr A Ballah
16	HURSTHEAD WALK	BRUNSWICK	MANCHESTER	M13 9UT	Ms E Ngu
40	HURSTHEAD WALK	BRUNSWICK	MANCHESTER	M13 9UT	Mr D D. Barnett
34	LAMPORT COURT	BRUNSWICK	MANCHESTER	M1 7EQ	Mr D R. Leckie
39	LAMPORT COURT	BRUNSWICK	MANCHESTER	M1 7EG	Mr C. O'Toole
55	LAMPORT CDURT	BRUNSWICK	MANCHESTER	M1 7EG	Mr H G. Morgan
23	LAMPORT COURT	BRUNSWICK	MANCHESTER	M1 7EQ	Ms Cathryn R A Turner
13	LAMPORT COURT	BRUNSWICK	MANCHESTER	M1 7EQ	Mr M Mitchell
3	LAMPORT CDURT	BRUNSWICK	MANCHESTER	M1 7EQ	Mr M E. Skinner
50	LAMPORT COURT	BRUNSWICK	MANCHESTER	M1 7EG	Mr Quzafi Iqbal
35	LITCHAM CLOSE	BRUNSWICK	MANCHESTER	M1 7JW	Mr Ciro Capuozzo & Ms Stephanie Marie Elian Momy
23	LITCHAM CLOSE	BRUNSWICK	MANCHESTER	M1 7JW	Mr B Bastani & Mrs M Nejad
37	LITCHAM CLOSE	BRUNSWICK	MANCHESTER	M1 7JW	Mr M H. Saraee
27	LITCHAM CLOSE	BRUNSWICK	MANCHESTER	M1 7JW	Mrs Z Wang & Mr D Jiang
17	LITCHAM CLOSE	BRUNSWICK	MANCHESTER	M1 7JW	Mr B Freestone
39	LITCHAM CLOSE	BRUNSWICK	MANCHESTER	M1 7JW	Mr Azad M. Aziz
43	LITCHAM CLOSE	BRUNSWICK	MANCHESTER	M1 7JW	Mr Danny J. Barton
41	LOCKTON CLOSE	BRUNSWICK	MANCHESTER	M1 7JG	Mr Gary J Bradley & Mr Philip Carmont
35	LOCKTON CLOSE	BRUNSWICK	MANCHESTER	M1 7JG	Mr M Amin
1	LOCKTON CLOSE	BRUNSWICK	MANCHESTER	M1 7JG	Ms S.J. Hammett & Mr J T. Hammett
23	LOCKTON CLOSE	BRUNSWICK	MANCHESTER	M1 7JG	Mrs S Shekarriz
39	LOCKTON CLOSE	BRUNSWICK	MANCHESTER	M1 7JG	Capture 21 Limited
15	LOCKTON CLOSE	BRUNSWICK	MANCHESTER	M1 7TG	Ms L Hammett & Mr Ben King
31	LOCKTON CLOSE	BRUNSWICK	MANCHESTER	M1 7JG	Mr R Singh
45	LOCKTON CLOSE	BRUNSWICK	MANCHESTER	M1 7JG	Ms Cathryn Antoni & Ms Caitlin B Antoni
12	LDCKTON CDURT	BRUNSWICK	MANCHESTER	M1 7JP	Mr R W. Coppin

20	INGLEWOOD WALK	BRUNSWICK	MANCHESTER	M13 9RT	Miss Emanuela I Mendes Jimbe
5	MERROW WALK	BRUNSWICK	MANCHESTER	M1 7JN	Mr B Watson & Mrs I Watson
29	MERROW WALK	BRUNSWICK	MANCHESTER	M1 7JN	Mr Roger Ruiyu Lin
13	MERROW WALK	BRUNSWICK	MANCHESTER	M1 7JN	Mr C S. Kang & Yanna Kang
27	MERROW WALK	BRUNSWICK	MANCHESTER	M1 7JN	Mr A Alam
23	MERROW WALK	BRUNSWICK	MANCHESTER	M1 7JN	Mr T D. Freestone & Mrs M P. Freestone
9	MERROW WALK	BRUNSWICK	MANCHESTER	M1 7JN	Mr J Zhao & Mrs C Tin
11	MERROW WALK	BRUNSWICK	MANCHESTER	M1 7JN	Mr M Manafpour
17	MERROW WALK	BRUNSWICK	MANCHESTER	M1 7JN	Xiaoling Peng
31	MERROW WALK	BRUNSWICK	MANCHESTER	M1 7JN	Mr Yujie Ren & Mrs Yuxiu Sun
21	MERROW WALK	BRUNSWICK	MANCHESTER	M1 7JN	Mr Fusheng Mu & Mrs Chunling Cheng
11	MANCROFT WALK	BRUNSWICK	MANCHESTER	M1 7FW	Ms D A. Skinner
9	MANCROFT WALK	BRUNSWICK	MANCHESTER	M1 7FW	Mr W Xiong & Mrs C Liu
7	MANCROFT WALK	BRUNSWICK	MANCHESTER	M1 7FW	A. Lassal & M. Lassal
15	MANCROFT WALK	BRUNSWICK	MANCHESTER	M1 7FW	Mr S Daikh & Mrs H Daikh
3	MANCROFT WALK	BRUNSWICK	MANCHESTER	M1 7FW	Mr M Fard
23	MANCROFT WALK	BRUNSWICK	MANCHESTER	M1 7FW	Mr A Banjo & Mrs O Banjo
28	SILKIN COURT	BRUNSWICK	MANCHESTER	M13 9UY	Mr Aaron Cooke
27	SILKIN COURT	BRUNSWICK	MANCHESTER	M13 9UY	Ms J L. White
11	SKERRY CLOSE	BRUNSWICK	MANCHESTER	M13 9UD	Mr A M. Arberk & Mrs K Arberk
5	SKERRY CLOSE	BRUNSWICK	MANCHESTER	M13 9UD	Mrs Zahra Salehi
23	SKERRY CLOSE	BRUNSWICK	MANCHESTER	M13 9UD	Mrs Wei Song & Mr Bo Zhang
22	TRISTAM CLOSE	BRUNSWICK	MANCHESTER	M13 9TS	Mr C Mhunduru
14	TRISTAM CLOSE	BRUNSWICK	MANCHESTER	M13 9TS	Mr E Saber
5	TRISTAM CLOSE	BRUNSWICK	MANCHESTER	M13 9TS	Mr Farok E Mohammed

Part B: Brunswick Leaseholders Post OJEU notice August 2008

No			addr_line3	post_code	Parties
30	ABERDARON WALK	BRUNSWICK	MANCHESTER	M13 9TJ	Mr Syed M Alam
15	ALLERTON WALK	BRUNSWICK	MANCHESTER	M13 9TG	Mr Abukar A Ahmed
34	GLENBARRY CLOSE	BRUNSWICK	MANCHESTER	M13 9XR	Mrs Omonale Ajibero & Mr Joseph Ajibero
10	HURSTHEAD WALK	BRUNSWICK	MANCHESTER	M13 9UT	Ms Karine S Nzang
47	LITCHAM CLOSE	BRUNSWICK	MANCHESTER	M1 7JW	Miss Xana Miller
15	LITCHAM CLOSE	BRUNSWICK	MANCHESTER	M1 7JW	Ms Josephine Mutemi
37	LOCKTON CLOSE	BRUNSWICK	MANCHESTER	M1 7JG	Mr Winston Meredith
27	LOCKTON CLOSE	BRUNSWICK	MANCHESTER	M1 7JG	Mr Stephen M Hargadon & Ms Lynne Ellison
13	MANCROFT WALK	BRUNSWICK	MANCHESTER	M1 7FW	Mr Jildo Gore
27	MANCROFT WALK	BRUNSWICK	MANCHESTER	M1 7FW	Ms Deborah Mannion
21	MANCROFT WALK	BRUNSWICK	MANCHESTER	M1 7FW	Mrs Jean M Hoyle & Mr Stephen Hoyle
69	SILKIN COURT	BRUNSWICK	MANCHESTER	M13 9UY	Miss Laura I Gomez