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

**Case reference** : LON/00BE/LDC/2016/0021

**Property** : St Luke's Court, 124-126 Tooley Street, London SE1 2TU

**Applicant** : St Luke's Court RTM Company Limited

**Representative** : Residential Management Group Limited

**Respondents** : The lessees listed in the schedule to the application

**Type of application** : To dispense with the requirement to consult leaseholders

**Tribunal Member** : Judge N Hawkes

**Venue** : 10 Alfred Place, London WC1E 7LR

**Date of paper determination** : 11<sup>th</sup> March 2016

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**DECISION**

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## **Background**

1. The applicant has applied to the Tribunal under S20ZA of the Landlord and Tenant Act 1985 ("the 1985 Act") for dispensation from the consultation requirements contained in section 20 of the 1985 Act in respect of certain qualifying works to St Luke's Court, 124-126 Tooley Street, London SE1 2TU ("the Property").
2. The Tribunal has been informed that the Property comprises a purpose-built block containing 14 units.
3. The application is dated 11<sup>th</sup> February 2016 and the respondent lessees are listed in a schedule to the application.
4. Directions of the Tribunal were issued on 17<sup>th</sup> February 2016. The applicant has requested a paper determination. No application has been made by any of the respondents for an oral hearing. This matter has therefore been determined by the Tribunal by way of a paper determination on Friday 11<sup>th</sup> March 2016.
5. The Tribunal did not consider that an inspection of the Property would be of assistance nor would it have been proportionate to the issues in dispute.

## **The applicant's case**

6. The applicant applies for dispensation from the requirements to consult leaseholders under section 20 of the 1985 Act in respect of work to the ventilation system at the Property.
7. The grounds for seeking dispensation are set out in the application as follows:

*"Following a site visit the contractor has confirmed that there are 2 duct sensors fitted on the ventilation system, one is fitted to the intake air supply and the other is in the extract air [supply]. They found both to be faulty and they should be replaced urgently. These are for smoke/CO2 protection; if they are not replaced there will be no fire protection on the system leaving the system in a dangerous situation.*

*Both extract fans are faulty and require a full overhaul. Should they fail there will be no extract for the underground carpark which would render the carpark unusable as it is situated beneath a block of flats."*

8. The applicant has provided the Tribunal with copies of letters from Eaton Associates, Building Services Maintenance, dated 19<sup>th</sup> January 2016 and 10<sup>th</sup> February 2016, which confirm the case put forward by the applicant in the application.

### **The respondents' case**

9. None of the respondents have filed written representations opposing the application.

### **The Tribunal's determination**

10. Section 20 of the 1985 Act provides for the limitation of service charges in the event that statutory consultation requirements are not met. The consultation requirements apply where the works are qualifying works (as is the case in this instance) and only £250 can be recovered from a tenant in respect of such works unless the consultation requirements have either been complied with or dispensed with.
11. The consultation requirements are set out in the Service Charges (Consultation Requirements) (England) Regulations 2003.
12. Section 20ZA of the 1985 Act provides that, where an application is made to the Tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works, the Tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.
13. Having considered the application; the evidence in support; and the lack of any opposition on the part of the respondents; I accept that the qualifying works described in the applicant's application of 11<sup>th</sup> February 2016 are urgently required and I determine, pursuant to section 20ZA of the Landlord and Tenant Act 1985, that it is reasonable to dispense with the statutory consultation requirements in respect of this work.
14. **This decision does not concern the issue of whether any service charge costs will be reasonable or payable.**

Judge N Hawkes

Date 11<sup>th</sup> March 2016

**ANNEX - RIGHTS OF APPEAL**

1. If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber) then a written application for permission must be made to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application for permission to appeal must arrive at the Regional office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.
3. If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal, and state the result the party making the application is seeking.