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

Case Reference : **LON/00AG/LDC/2017/0069**

Property : **Atlantic House, 128 Albert Street,
London NW1 7NE**

Applicant : **Atlantic House London Limited**

Representative : **Trinity (Estates) Property
Management Limited**

Respondents : **Various leaseholders as set out in
the application**

Representative : **None**

Type of Application : **For dispensation of the
consultation requirements under
section 20ZA**

Tribunal Member : **Judge O'Sullivan**

Date of Decision : **31 July 2017**

DECISION

The application

1. The Applicant seeks an order pursuant to s.20ZA of the Landlord and Tenant Act 1985 (as amended) (“the 1985 Act”) for the dispensation of any or all of the consultation requirements. The property concerned is described in the application as a purpose built mixed use block containing 15 residential apartments known as Atlantic House 128 Albert Street, London NW1 7NE (the “Property”) and the application is made against the various leaseholders in the schedule attached to the application form (the “Respondents”). There are a total of 15 residential apartments. The Applicant is a leasehold management company.
2. The issue in this case is whether the consultation requirements of section 20 of the 1985 Act should be dispensed with.
3. The Applicant seeks dispensation in respect of works required to the Property’s front door which due to various acts of vandalism is said to be damaged beyond repair. It is also sought in relation to the installation of CCTV.

The background

4. The application was received on 30 June 2017 and directions were made dated 7 July 2017 which provided for the Applicant to serve a copy of the directions on all Respondents and for them to then indicate whether they consented to the application or not and wished to have a hearing. The Applicant confirmed by letter dated 18 July 2017 that it had served all the leaseholders in accordance with the directions.
5. The Tribunal did not consider that an inspection was necessary, nor would it have been proportionate to the issues in dispute.
6. The only issue before the Tribunal is whether it should grant dispensation from all or any of the consultation requirements contained in section 20 of the 1985 Act.

The Applicant’s case

7. The tribunal had directed that this application was suitable for consideration on the papers and as neither party requested a hearing the application was considered by way of a paper determination on 1 August 2017.
8. The Applicant had lodged a bundle in support of the application.
9. The application concerns works to the front door at the Property which is said to have been damaged beyond repair by acts of vandalism. The

Property is therefore said to be insecure and works are urgently required. The works proposed are;

- (a) Replacement of the front entrance door with a hardwood door and associated alterations;
 - (b) Installing a new security door access system;
 - (c) Incidental repairs and redecoration;
10. The likely cost of the works is confirmed to be £12,778 excluding Vat. Due to the urgency of the situation the Applicant does not propose to undertake consultation although on 23 June 2017 it wrote to all leaseholders to advise them of the works and to seek consent. As at the date of the application 10 out of 15 leaseholders had consented.
11. In addition the Applicant seeks dispensation in relation to works to install a temporary CCTV system at a likely cost of £3100 excluding Vat. This is at the recommendation of the Police and following numerous anti social incidents. A notice of intention was served on 15 June 2017 but due to the urgency of the situation the Applicant does not propose to continue with the consultation. On 23 June 2017 the Applicant wrote to advise the leaseholders of the position and again 10 out of 15 have consented.
12. The incidents which have occurred at the premises include several assaults and damage to the premises.
13. The Applicant provided photographs of the damage within the bundle together with copies of its correspondence with the leaseholders and various consent forms from leaseholders. Copies of the quotations for the works were also included.

The Respondents' position

14. The directions provided for any Respondent who wished to oppose the application for dispensation to serve a statement of case. As at the date of the application it was actively supported by 10 of the 15 leaseholders who had written letters in support.
15. None of the leaseholders served any statements of case and thus the tribunal concluded that the application was unopposed.

The Tribunal's decision

16. The Tribunal determines that an order from dispensation under section 20ZA of the 1985 Act shall be made dispensing with all of the

consultation requirements in relation to the works to the front door and the installation of CCTV as detailed above.

Reasons for the Tribunal's decision

17. The tribunal has the jurisdiction to grant dispensation under section 20ZA of the 1985 Act "*if satisfied that it is reasonable to dispense with the requirements*".
18. The application was not opposed by the leaseholders. The tribunal is satisfied that the works were required and that it is appropriate to grant an order for dispensation in these circumstances. We are further satisfied that there is no evidence that the leaseholders have been prejudiced by the failure to comply with the consultation requirements.
19. We would point out that this decision makes no finding in relation to the reasonableness of the costs themselves.
20. The tribunal hereby orders that the Applicant shall serve a copy of this decision on each leaseholder.

Application under s.20C

21. There was no application for any order under section 20C before the tribunal.

Name: S O'Sullivan

Date: 1 August 2017