

12794



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

**Case reference** : **LON/00AF/LDC/2018/0054**

**Property** : **Andreck Court, 2a Crescent Road,  
Beckenham, Kent, BR3 6UL**

**Applicant** : **Retirement Lease Housing  
Association**

**Representative** : **None**

**Respondents** : **The lessees of the property**

**Representative** : **None**

**Type of application** : **To dispense with the requirement  
to consult lessees about major  
works**

**Tribunal members** : **Judge L Rahman  
Mr T W Sennett MA FCIEH**

**Date and venue of  
paper hearing** : **8<sup>th</sup> May 2018 at 10 Alfred Place,  
London WC1E 7LR**

**Date of decision** : **25/5/18**

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**DECISION**

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## **The tribunal's decision**

- (1) The tribunal determines it is reasonable to dispense with the relevant consultation requirements.

## **The application**

1. An application has been made under s.20ZA of the Landlord and Tenant Act 1985 ("the 1985 Act") for a determination that all or any of the consultation requirements in relation to works to be undertaken by the applicant may be dispensed with if the tribunal was satisfied it was reasonable to dispense with such requirements.
2. The applicant confirmed it was happy for the application to be dealt with on paper if the tribunal thought it appropriate. The tribunal considered the application on 3/4/18 and determined that if none of the respondents requested an oral hearing then it would be appropriate for the application to be dealt with in this manner (without a hearing). None of the parties requested an oral hearing so the matter was listed to be dealt with on paper.

## **The background**

3. The property which is the subject of this application is a 4 storey building comprising 35 flats with a single lift.
4. The works ("the Works") for which the applicant sought a dispensation of the consultation requirements were for the temporary and subsequent full replacement of the lift cog pulleys.
5. The respondents would each be responsible for the proportion required under the terms of their leases.

## **The applicant's case**

6. The applicant states the lift broke down some time in December 2017. Temporary works were carried out on 22/12/17. However, the contractors could not offer a warranty on the temporary repairs and recommended the replacement of the lift cog pulleys "in the very near future".
7. The total cost of the works, including the temporary repair and the provision and installation of the new cog pulleys, is £11,297.72.
8. The applicant wrote to the respondents in a letter dated 31/1/18 explaining the nature of the works, the total costs involved, the works were to be funded by the estate reserve fund to which all the respondents contribute via the service charge, and the applicant's intention to make an application

to this tribunal to dispense with the consultation process due to the urgent nature of the works.

9. The applicant made the relevant application to this tribunal on 26/3/18. Further to the directions issued by this tribunal on 3/4/18, the applicant sent to each leaseholder a copy of the application together with the tribunal's directions and displayed the same in a prominent position in the common parts of the property. Those respondents who opposed the application were to complete and return to the tribunal the attached forms and to send to the applicant a statement in response to the application by 16/4/18. The applicant confirms that it did not receive any opposition from the respondents.

### **The respondent's case**

10. No representations have been received from the respondents, nor any objection to the application, despite the directions issued by the tribunal on 3/4/18.

### **The tribunal's decision**

11. The tribunal can only make a determination to dispense with the consultation procedure if it is satisfied that it is reasonable to do so. The purpose of the procedure under s.20 of the 1985 Act is to ensure that the long leaseholders do not suffer any prejudice when they are asked to pay for works that cost in excess of £250 per flat. The legislation recognises that there may be instances of urgency where the lengthy consultation process, designed to give the long leaseholders full information about the works and to enable them to make comments and propose a contractor to be asked to provide a quote, cannot be followed and that is the reason for the dispensation provisions under s.20ZA of the 1985 Act.
12. This is an unopposed application. The applicant had also explained the nature, urgency, and costs of the works, and its intention to make an application to dispense with the consultation process, in its letter dated 31/1/18. The tribunal found the work was of an urgent nature as there was a single lift serving a 4 storey building providing sheltered accommodation, which included tenants with restricted mobility.
13. For the reasons given, the tribunal is satisfied it is reasonable to dispense with the relevant consultation requirements contained in s.20 of the 1984 Act.
14. The dispensation of any or all of the requirements of s.20 of the 1985 Act does not indicate that the cost itself is reasonable or that the work / service is of a reasonable standard. The respondents may, if they wish, make a subsequent application under s.27A of the 1985 Act, challenging either the

need or quality of such works, the recoverability of the cost under the lease, or the level of the cost.

Judge L Rahman

Date: 25/5/18