



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

Case References : **LON/00AW/LDC/2017/0141**

Property : **235A Earls Court Road London
SW5 9FE**

Applicant : **Workman Ltd on behalf of Mrs S M
Kelly**

Respondent : **Various leaseholders as set out
on the application**

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Type of Application : **S20ZA Landlord and Tenant Act
1985**

Tribunal Members : **Judge F J Silverman Dip Fr LLM
Mr S Mason FRICS**

**Date and venue of
paper determination** : **29 January 2018
10 Alfred Place London WC1E 7LR**

Date of Decision : **29 January 2018**

DECISION

The Tribunal determines that it will exercise its discretion to dispense with the consultation requirements imposed by s.20 of the Landlord and Tenant Act 1985.

REASONS

1. The Applicant seeks a determination of its application for dispensation from the consultation requirements imposed by s. 20 of the Landlord and Tenant Act 1985.
2. The Application to the Tribunal was made on 07 December 2017.
3. Directions were issued by the Tribunal on 18 December 2017.
4. A paper determination took place in London on 29 January 2018 at which the Tribunal considered the Applicant's application and accompanying documents. No representations or objections had been received from any of the Respondent tenants.
5. The property which is the subject of this application comprises residential flats situated above ground floor retail premises in Earls Court Road.
6. The Tribunal did not inspect the property because to do so would have been disproportionate.
7. The circumstances giving rise to this application are that a fire and risk assessment carried out for the Applicant on 5 September 2017 reported one substantial level 4 and four moderate level 3 category risks as a result of which it was recommended works should be carried out as a matter of urgency to install emergency lighting and a fire detection system.
8. All the tenants have been notified of the situation and of the steps so far taken by the Applicant to undertake the works the cost of which will exceed the s20 limit.
9. A delay in commencing the work caused by engaging in a consultation process as required by s20 Landlord and Tenant Act 1985 will result in a continued danger to the occupiers.
10. It is common ground that the Applicant has a repairing obligation in respect of the structure, exterior and common parts of the premises imposed on it by the lease.
11. The Applicant sought the Tribunal's consent to dispense with the consultation requirements imposed by s20 Landlord and Tenant Act 1985 in respect of the works which have not yet started.
12. In view of the fact that none of the Respondent tenants have objected to the application, the works are both urgent and necessary

and that the proportion of the total cost to be charged to each Respondent is not excessive, the Tribunal is minded to grant its consent to the application.

13. The Tribunal is being asked to exercise its discretion under s.20ZA of the Act. The wording of s.20ZA is significant. Subs. (1) provides:

“Where an application is made to a [leasehold valuation] tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works or qualifying long term agreement, the tribunal may make the determination *if satisfied that it is reasonable to dispense with the requirements* (emphasis added).”

14. The Tribunal understands that the purposes of the consultation requirements is to ensure that leaseholders are given the fullest possible opportunity to make observations about expenditure of money for which they will in part be liable.
15. Having considered the submissions made by the Applicant the Tribunal is satisfied that the works to be carried out by the Applicant are sufficiently urgent and necessary to permit them to exercise their discretion in the Applicant’s favour.
16. This determination does not affect the tenants’ rights to apply to the Tribunal challenging the payability or reasonableness of the service charges.

Judge F J Silverman as Chairman
Date 29 January 2018

Note:
Appeals

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28-day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.

4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.