

13059



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

**Case reference** : **LON/00AW/LDC/2018/0171**

**Property** : **Apartments 1-31 Chartwell House,  
12 Ladbroke Terrace, London W11  
3PG**

**Applicant** : **Goldsborough Estates Ltd**

**Representative** :

**Respondents** : **Various**

**Representative** :

**Type of application** : **For the dispensation of the  
consultation requirements**

**Tribunal member(s)** : **Judge S Brilliant**

**Date and venue of  
hearing** : **6 November 2018 at 10 Alfred  
Place, London WC1E 7LR**

**Date of decision** : **6 November 2018**

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**DECISION**

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## **Decision of the Tribunal**

The Tribunal determines that the applicant has permission to dispense with the consultation requirements in respect of major works to the hardstanding at the front of Chartwell House, 12 Ladbroke Terrace, London W11 3PG ("the premises"). These works ("the works") include the replacement of a main drain which has collapsed and works to the boundary walls.

## **The application**

1. The applicant seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 to dispense with the consultation requirements in respect of the works.

## **Background**

2. The premises consist of 31 long leasehold apartments in a purpose built block constructed in 1991.
3. The hardstanding at the front of the premises is the only pedestrian access and it is also used as a car park. The area is block paved and one area has been affected by the collapse of a main drain.
4. Lewis Berkeley Ltd ("Lewis Berkeley") who are chartered building surveyors, and who have overseen other more substantial works at the premises in the past, have in a report dated August 2018 recommended that the works be carried out. Lewis Berkeley obtained a quotation from Minerva Building Services Ltd ("Minerva") The total costs quoted by Minerva are said by the applicant to be £52,434.00. Funds held in the sinking fund are said to be significantly higher than this amount.
5. The works are urgent because if they are not carried out soon, and preferably before winter sets in, the surface of the hardstanding will further deteriorate. This will have a particularly detrimental effect on the safety of the lessees and their visitors, because the premises consist of retirement flats owned only by those who are over 60 years old.
6. The Chartwell House Residents' Association ("CHRA") is in full agreement with the applicant that the works should be carried out by Minerva as soon as possible.
7. CHRA sought the approval of the lessees for the dispensation of the consulting requirements including the choice of the contractor.
8. 29 lessees agreed with the proposal. The executors of one lessee declined to answer prior to the grant of probate. One lessee disagreed,

suggesting that the works should be put out to tender as when Minerva last did work to the hardstanding, it was not done efficiently.

### **The application**

9. An application to dispense with the consultation requirements was sent to the Tribunal on 12 October 2018. Directions were given on 22 October 2018. It was directed that the application would be heard on the papers unless either party requested an oral hearing. No such request was made.

### **Decision**

10. The proposed works are qualifying works. In view of the urgent need to complete them to avoid further damage incurring and to protect the safety of the lessees and their visitors, I consider it appropriate to dispense with the consultation requirements in this case.
- 171 This decision does not relate to the quality of the work carried out or the reasonableness of the cost.

**Name:** Simon Brilliant

**Date:** 6 November 2018

### **Rights of appeal**

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

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.

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.

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.

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.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).