



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

Case Reference	:	LON/00BD/LDC/2019/0074
Property	:	Courtlands Estate, Sheen Road, TW10 5AT
Applicant	:	Courtlands Estate (Richmond) Limited
Respondents	:	The long leaseholders the Courtlands Estate
Type of Application	:	Dispensation with Consultation Requirements under section 20ZA Landlord and Tenant Act 1985.
Tribunal Members	:	Judge Robert Latham Richard Shaw FRICS
Date and venue of Hearing	:	26 June 2019 at 10 Alfred Place, London WC1E 7LR
Date of Decision	:	26 June 2019

DECISION

The Tribunal grants this application to dispense unconditionally with the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985.

Reasons

1. By an application made on 7 May 2019, the Applicant seeks dispensation with the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985 (“the Act”) in respect of the works described below. The Applicant stated that it was content for the application to be dealt with on the papers. No Respondent has requested an oral hearing.
2. The Courtlands Estate consists of 12 blocks constructed in the 1930s. The Estate includes Marlborough House, a block with 16 two-bedroom flats. The lift serving Nos. 1-8 Marlborough House has broken down and requires urgent repairs. On 7 May 2019, the Applicant served a Notice of Intention on the lessees. On 6 June, it served a Notice of Estimates. Two estimates have been obtained from Axis Elevators Ltd (£54,641.80) and Lift Specialists Ltd (£52,767.60). The lessees were invited to comment on these estimates.
3. On 15 May, the Tribunal gave Directions. The Tribunal allocated the case for a paper determination. The tenants were directed to complete a form attached to the Directions which was to be returned to the Tribunal by 7 June. They were asked to specify whether they supported or opposed the application. Any tenant who opposed the application or wanted the Tribunal to attach conditions to the dispensation was required to attach a Statement of Case setting out their reasons.
4. The Applicant was directed to send to each lessee: (i) a copy of the application; (ii) an estimate of the cost of the proposed works; and (iii) the Directions. The Applicant was further directed to display these documents in any communal area. On 30 May, the Applicant notified the Tribunal that it had complied with this Direction.
5. Twelve tenants have returned the form stating that they support the application for dispensation. The Applicant has received verbal responses from 9 further lessees stating that they also support the application. No tenant has opposed the application.
6. The Applicant has supplied a report from Axis who attended the site on 1 May. The operative concluded that the lift selector was worn out and could not be repaired. He switched off the lift. The Applicant has also provided a report from Bill Jennings, a Lift Consultant, dated 12 June. His recommendation is to replace both the controller and the machine to improve the reliability of the lift.
7. Section 20ZA (1) of the Act provides:

“Where an application is made to the appropriate 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.”

8. The only issue which this Tribunal has been required to determine is whether or not it is reasonable to dispense with the statutory consultation requirements. This application does not concern the issue of whether any service charge costs will be reasonable or payable.
9. The Tribunal is satisfied that it is reasonable to grant dispensation from the subsequent stages of the consultation requirements. This is justified by the urgent need for the works. There is no suggestion that any prejudice has arisen. In the circumstances, it is appropriate to grant dispensation without any conditions.

**Judge Robert Latham,
26 June 2019**

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).