

13219



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

Case Reference : LON/00AG/LDC/2019/0044

Property : Block 1-8 and Block 9-16 Weech
Hall, Temple Fortune Road,
London NW6 1DJ

Applicant : Lindmead Limited

Representative : Taylor Fordyce Solicitors

Respondent : The lessees of Welch Hall

Representative : N/A

Type of Application : Dispensation – s.20ZA

Tribunal Member : Judge LM Tagliavini
Miss M Krisko FRICS

Date and place of hearing (paper) : 10 Alfred Place, London WC1E 7LR
24 April 2019

Date of decision : 24 April 2019

DECISION

The tribunal's decision:

- 1. The tribunal exercises its discretion and grants the Applicant dispensation from the s.20 consultation procedures required by the Landlord and Tenant Act 1985 in respect of works to the electrical supply at the subject properties.**

Background

2. This is an application made by the freeholder of the subject property under the provisions of section 20ZA of the Landlord and Tenant Act 1985 ("the 1985 /Act"), seeking dispensation from the consultation requirements for works to the main electricity supply at the subject property. Works were found to be required after the Fire Brigade closed down the main electrical supply to the communal areas in Block 9-16, apparently due to an overheating problem. As the remedial works were considered too urgent to be able to comply with the 1985 Act consultation procedures, the Applicant now seeks the tribunal's dispensation from those requirements as works have now been carried out and completed.

The property

3. The subject property comprises two adjoining purpose-built blocks, with 8 flats in each and collectively known as "Weech Hall" and are subject to the grant of long leases in the form provided to the tribunal by the Applicant in the sample lease for Flat 1.

The works

4. The works required to remedy the defects were identified as the replacement of the incoming mains electricity supply to the 2 communal stairwells and flat in the two blocks making up Weech Hall. These works were identified after the intervention of the Fire Brigade in Block 9-16 and the same issues were identified in the Block 1-8, as shown in in the report of Harry True of True Associates, Chartered Surveyors, Project Managers, Estate Agents dated 13 December 2018.

The Applicant's case

5. In support of its application the Applicant provided the tribunal with documentary evidence, which included the report of Mr. True BSc MRICS FBEng, surveyor and Director of True Associates. In this report Mr. True detailed his professional experience and his dealings with the subject property, having been contacted by Bowood Commercial the managing agents of Weech Hall to carry out an inspection. After an inspection was carried out on 2 October 2018 it was apparent, both temporary and permanent works were required to the electrical supply of Weech Hall. Subsequently, Tower Electrical were engaged to carry out the works to make safe the temporary electrical supply for Block 9-16 and install the permanent replacement and upgrade, as reports of the difficulties caused to the occupiers by the lack of an adequate supply of electricity were being received by the managing agents.
6. Subsequently, Tower Electrical put in a permanent electrical supply to both blocks during October and November 2018, completing the works by 2 November 2018. Power was fully restored to the blocks by UK Power Networks when all flats had their electrical certificates in place.

The Respondent's case

7. The Respondent lessees did not contact the Applicant or the tribunal registering any objection to the application. The Applicant also confirmed that it had not received any objection to the application from any lessee.

The tribunal's decision and reasons

8. The tribunal is satisfied that the electrical works required to the subject property fall within the Applicant landlord's repairing obligations. The tribunal is also satisfied that the works were urgent in light of the intervention by the Fire Brigade at Block 9-16 and the similar defects found in Block 1-8.
9. The tribunal is satisfied that the lessee Respondents have had notice of this application pursuant to tribunal directions dated 21 March 2019 and have chosen not to raise any objection to it. Therefore, in light of the urgent nature of the works affecting the health and safety of the occupiers of the subject premises, and in the absence of any response or demonstration of prejudice caused to the lessees by the absence of consultation, the tribunal determines that it is reasonable and appropriate to grant the dispensation sought by the Applicant.
10. In granting dispensation the tribunal does not consider the cost or the standard of the works carried out or the issue of whether any service charge costs arising from these works are reasonable or payable.

Signed: Judge Tagliavini

Dated: 24 April 2019