



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

**Case reference** : **LON/00AG/LDC/2020/0058**

**Case type:** : **P: PAPER REMOTE**

**Property** : **9A Hampstead High Street, London  
NW3 1PR.**

**Applicant** : **Vigo London Limited**

**Representative** : **ABC Estates, 179 Station Road, London  
HA8 7JX.**

**Respondent** : **Mr. C. Barta (First Floor Flat);  
Mr. B.A. and Ms. H. R. Hart (Second  
Floor Flat);**

**Representative** : **Mr. P. Overment and Ms. J. Overment  
(Third Floor Flat);  
L'Oreal, T/as Kiehl's (Ground Floor  
Retail Premises).**

**Representative** : **In person**

**Type of application** : **For the determination of an application  
under S.20ZA Landlord and Tenant Act  
1985, in relation to dispensation from  
the requirements to consult under S.20.**

**Tribunal members** : **Ms. A. Hamilton-Farey**

**Date of decision** : **10 July 2020**

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**DECISION**

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## **Covid-19 pandemic: description of hearing**

This has been a remote determination on the papers which has not been objected to by the parties. The form of determination was on the PAPERS (P). A face-to-face hearing was not held because it was not practicable, and all issues could be determined on paper. The documents that I was referred to are in a bundle of 41 pages, the contents of which I have noted. The order made is described at the end of these reasons.

## **Decisions of the tribunal**

The tribunal GRANTS dispensation from the requirements to consult the respondents in relation to the replacement door entry system works, as described in the application.

## **The application**

1. The applicant seeks a determination pursuant to s.20ZA of the Landlord and Tenant Act 1985 (“the 1985 Act”) in respect of works to replace a communal entry-phone system on the grounds that the existing system is inoperative and obsolete. The only available remedy was to replace the system.
2. The applicant says that the system requires replacement as soon as possible, because the respondents are unable to identify callers, and deliveries etc are not being made due to lack of access.
3. The applicant has obtained quotations in relation to the works and has issued the Initial Notice as required under S.20 of the Act, and has also obtained the agreement from the respondents, that they are content for this application to be made and do not oppose it.
4. Directions were issued by the tribunal on 19 May 2020. These required that any of the respondents who opposed the application should write to the tribunal and applicant, setting out their grounds of opposition.
5. No representations have been received by the tribunal or applicant.
6. In those directions the tribunal informed the parties that this application was not to consider whether the costs of carrying out the replacement works were reasonable or payable by the any of the respondents, and their rights under the Act are therefore preserved.

## **Reasons for the tribunal’s decision**

7. The tribunal considers that the matter of security to the building, and or adequate access is an urgent matter that requires determination, and the lack of an entry-phone facility hinders the proper use of the building and could compromise the safety of the respondents. In the circumstances the tribunal takes the view that it would not be in the respondent's interest for the full consultation process to be undertaken, and given the agreement of the respondents, finds that the tribunal should exercise its discretion and grant dispensation from the remaining requirements to consult under S.20 so that the works may proceed as quickly as possible.

**Name:** Aileen Hamilton-Farey

**Date:** 10 July 2020

### **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).