



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

Case Reference : CHI/00HY/LDC/2022/0034

Property : Castle Court, River Park, Marlborough,
SN8 1XG

Applicant : Grange Management (Southern) Ltd

Representative : Grange Property Management

Respondents : The Lessees

Representative : -

Type of Application : To dispense with the requirement to
consult lessees about major works

Tribunal Member(s) : Judge Tildesley OBE

**Date and Venue of
Hearing** : Determination on Papers

Date of Decision : 26 May 2022

DECISION

The Application

1. The Applicant seeks dispensation under Section 20ZA of the Landlord and Tenant Act 1985 from the consultation requirements imposed on the landlord by Section 20 of the 1985 Act.
2. The Applicant states that the property is a purpose built block of 47 flats. The Applicant explains that urgent works are required to restore life critical passenger lift serving 47 flats with 44 vulnerable residents who are dependent on the lift. The Applicant confirms that the Notice of Intent dated 24 February 2022 was served on all residents along with a covering letter explaining that dispensation had been applied for under S20ZA of the 1985 Act and that the costs of the works would be charged to the reserve fund in which there are sufficient funds to cover the costs of the repairs.
3. The Application for dispensation was received on 25 March 2022.
4. On 12 April 2022 the Tribunal directed the Applicant to serve the application and directions on the leaseholders which was done on 19 April 2022
5. The Tribunal directed that the Application would be heard on the papers unless a party requested an oral hearing. No party made such a request.
6. The Tribunal required the leaseholders to return a pro-forma to the Tribunal and the Applicant by 3 May 2022 indicating whether they agreed or disagreed with the application.
7. Thirtythree leaseholders returned the pro-forma stating their agreement to the application. No leaseholder objected to the Application.

Determination

8. The Tribunal is satisfied from the Application and the documents that the repairs to the passenger lift were essential and urgent particularly as forty four residents relied on the lift to gain access to their property.
9. In view of the urgency of the works the Tribunal is satisfied that the Applicant did not have the time to carry out full consultation as required by section 20 of the 1985 Act. The Applicant, however, issued the notice of intention to carry out the works and explained that the costs of the works were funded from reserves. The Tribunal notes that all leaseholders who responded were in favour of the Application.
10. The Tribunal is, therefore, satisfied that the leaseholders would suffer no relevant prejudice if dispensation from consultation was granted.

11. **The Tribunal, therefore, dispenses with the consultation requirements in respect of the repair to the passenger lift.**
12. The Tribunal's decision is confined to the dispensation from the consultation requirements in respect of the works. The Tribunal has made no determination on whether the costs of those works are reasonable or payable. If a leaseholder wishes to challenge the reasonableness of those costs, then a separate application under section 27A of the Landlord and Tenant Act 1985 would have to be made.
13. The Tribunal directs the Applicant to inform the leaseholders of the Tribunal's decision and to display the written decision on a noticeboard in the common areas.

RIGHTS OF APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application by email to rpsouthern@justice.gov.uk 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.