

10367



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

Case Reference : **LON/00AF/LDC/2014/0091**

Property : **Flats 1-6 Grace House, 2 Sydenham Road, London SE26 6UJ**

Applicant : **Safesquare Residents Management Limited (the landlord)**

Representative : **Southern Counties Management Limited, managing agents**

Respondents : **Mr Robinson (Flat 1)
Ms Khan (Flat 2)
Mr Kidd (Flat 3)
Mr Ritchie (Flat 4)
Mr Gordon (Flat 5)
Mr Dewar (Flat 6)**

Representative : **None**

Type of Application : **For dispensation of the consultation requirements under section 20ZA**

Tribunal Member : **Judge O'Sullivan**

Date of Decision : **20 October 2014**

DECISION

The application

1. The Applicant seeks an order pursuant to s.20ZA of the Landlord and Tenant Act 1985 (as amended) (“the 1985 Act”) for the dispensation of any or all of the consultation requirements. The property concerned is described in the application as a block of purpose built flats with a total of 6 units which is known as 1-6 Grace House, 2 Sydenham Avenue, Sydenham SE26 6JE (the “Property”) and the application is made against the various leaseholders in the schedule attached to the application form (the “Respondents”).
2. The issue in this case is whether the consultation requirements of section 20 of the 1985 Act should be dispensed with.
3. The Applicant seeks dispensation in respect of qualifying works to upgrade the electrical installations at the Property. Due to the urgent nature of the works they had already been carried out at the date of the application.

The background

4. The application was dated 3 July 2014. Directions were made dated 5 August 2014 which provided for the Applicant to serve a copy of the directions on all Respondents and for them to then indicate whether they consented to the application and wished to have a hearing.
5. The directions provided that this matter would be considered by way of a paper determination unless a hearing was requested. A hearing was not requested and accordingly the application was considered on the papers on 20 October 2014.
6. The Tribunal did not consider that an inspection was necessary, nor would it have been proportionate to the issues in dispute.
7. The only issue before the Tribunal is whether it should grant dispensation from all or any of the consultation requirements contained in section 20 of the 1985 Act.

The Applicant’s case

8. The Applicant had filed a bundle in accordance with the directions.
9. The Property was said to have been without electricity due to ageing wiring in the individual flats. As all six flats were without electricity the works have already been carried out. Before the works were carried out two quotations were obtained. These priced the works at £3,528 and £3,950 respectively.

The Respondents' position

10. The directions provided for any Respondent who wished to oppose the application for dispensation to serve a statement of case. None of the leaseholders served any statements of case and thus the tribunal concluded that the application was unopposed.
11. It should be noted that the leaseholders of Flats 1 and 2 had completed the form and indicated that they supported the application.

The Tribunal's decision

12. The Tribunal determines that an order from dispensation under section 20ZA of the 1985 Act shall be made dispensing with all of the consultation requirements in relation to the additional works outlined above.

Reasons for the Tribunal's decision

13. The tribunal has the jurisdiction to grant dispensation under section 20ZA of the 1985 Act "*if satisfied that it is reasonable to dispense with the requirements*".
14. The application was not opposed by the leaseholders. The tribunal is satisfied that the works were urgently required and that it is appropriate to grant an order for dispensation in these circumstances.
15. The tribunal hereby orders that the Applicant shall serve a copy of this decision on each leaseholder.
16. The tribunal would indicate however that if there are any further works at the Property which may become necessary due to the age and general condition these should form part of a proper planned consultation.

Application under s.20C

17. There was no application for any order under section 20C before the tribunal.

Name: S O'Sullivan

Date: 20 October 2014