



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

Case reference : **LON/00AG/LDC/2014/0023**

Property : **1 – 4 Midland Court Finchley Road
London NW3 5HP**

Applicant : **RFYC Limited**

Representative : **Chainbow Limited**

Respondent : **Various Leaseholders**

Representative : **Ms M Garside Secretary FERA**

Type of application : **To dispense with consultation
requirements under S.20 Landlord
and Tenant Act 1985**

Tribunal member(s) : **Mrs E Flint DMS FRICS**

Date of decision : **7 April 2014**

DECISION

Decisions of the tribunal

- (1) The tribunal grants dispensation from the consultation requirements under S.20 of the Landlord and Tenant Act 1985 in relation to the external decoration of the facade of the building.
- (2) The lessees were informed in the Directions issued by the Tribunal that the question of reasonableness of the works or cost was not included in this application, the sole purpose of which is to seek dispensation.

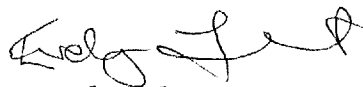
Reasons for the Decision

- (3) The Tribunal determines from the evidence before it that it is reasonable to dispense with the consultation requirements in respect of the repair and decoration of the façade of the building. The façade was in poor condition, the cost of carrying out the works was lower than if another contractor had carried out the same work.

The application

1. The application under section 20ZA of the Landlord and Tenant Act 1985 ("the Act") was made by the agents on behalf of the Applicants on 13 February 2014.
2. Midland Court is a purpose built 3 story block of 4 flats above commercial premises. The main entrance to the flats is situated on Finchley Road. The application concerns the redecoration of the façade to the building which had become run down and in need of attention. The adjoining occupier decorated their own frontage and offered to include Midland Court, it is said at a reduced price, so that the frontage was uniform and no longer an eyesore. The estimate of £1,550 plus VAT was provided on 23 October 2013.
3. As part of the major works programme for the entire estate Notice of Intent, including the external redecoration of Midland Court, was served on 21 November 2013. In addition a letter was sent to each leaseholder of Midland Court stating "the adjoining owners of the block have made an offer to redecorate the front of the building which initially feels like a good idea" and asking if there was support for the work to be undertaken. Details of the quote were provided together with an undertaking to obtain a second estimate. The leaseholders were asked to respond by 30 November 2013.
4. In reply one leaseholder supported the work, one opposed and two did not reply. A second quote was obtained in the sum of £1,650 plus VAT.

5. The applicant accepted the lower quote and the work was carried out between 13 and 23 January 2014. Photographs were provided to show that the façade had been in poor condition with . It was contended that the façade provided poor protection from the elements and was an eyesore not only to the residents but also the general public. Furthermore the quotation would have expired by the time the full consultation requirements were completed and additional administration fees would have been incurred to carry out the consultation process.
6. Directions in respect of the application were issued on 21 February 2014 and requested that any Respondent who opposed the application should notify the tribunal no later than 26 March 2014. No such representations were received by the Tribunal.
7. The Tribunal is satisfied that the Respondents do not oppose the application, that they have been given sufficient time to make their views known and have not provided any evidence to demonstrate that full consultation should be undertaken.
8. On the evidence before it, and in these circumstances, the Tribunal considers that it is entitled to determine from the lack of response from the Respondents, that they did not oppose the application for dispensation



Name: Evelyn Flint

Date: 7 April 2014