



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

Case Reference : LON/00AY/LDC/2015/0035

Property : Flats 1 – 60 Rutland Court,
Denmark Hill, London SE5 8EB

Applicant : Rutland Court (Denmark Hill)
Management Company Limited
(Landlord)

Representative : Rendall Rittner Hammond,
Managing Agents

Respondents : The long leaseholders of Flats 1 –
60, Rutland Court

Representative : No appearance

Type of Application : Section 20ZA Landlord and Tenant
Act 1985; Dispensation with
requirements of Section 20

Tribunal Member : Judge Lancelot Robson

**Date and venue of
Determination** : 23rd April 2015
10 Alfred Place, London WC1E 7LR

Date of Decision : 23rd April 2015

DECISION

Decision Summary

- (1) The Tribunal decided to make an order as requested for dispensation from the requirements of Section 20 of the Landlord and Tenant Act 1985, under Section 20ZA of the Act.
- (2) The Tribunal made the other decisions noted below.
- (3) For the avoidance of doubt, as stated in the Directions this application and decision does not concern the issue of whether any service costs will be reasonable or payable.

Preliminary

1. The Applicant by an application dated 12th March 2015, seeks dispensation from all/some of the consultation requirements imposed by Section 20ZA of the Landlord and Tenant Act 1985 relating to urgent lift repairs.
2. Extracts from the relevant legislation are attached as Appendix 1 below.
3. Pursuant to Directions of the Tribunal made on 18th March 2015 a determination on the papers was fixed for the week commencing 20th April 2015, based on the urgency of the works and the apparent willingness of the Respondents to have the consultation requirements dispensed with. The Respondents were served with notice of the application and the Directions by the Applicant on 24th March 2015. The Directions requested that any Respondent who wished to oppose the application should indicate that by letter or email with a copy to the Tribunal by 30th March 2015. None did so.
4. The Applicant's main bundle of documents was received by the Tribunal on 15th April 2015.

Applicant's Case

5. The Applicant submitted that the property included two 1920s blocks, the front block had 28 flats, and rear block had 32 flats. A specimen lease of Flat 50 dated 27th November 1989 was provided for information. On 16th February 2015 the front lift broke down and was taken out of service as the lift engineers considered it was no longer safe to operate. The Applicant's retained M&E consultants Cooke & Associates, confirmed that the lifting machinery, ropes and controller for the lift required replacement as they were beyond repair due to their age. The Applicant made this application stating that the work was urgent as leaseholders at 3rd and 4th floor level were vulnerable due to age and mobility issues. The first consultation notice required by Section 20 had been served on 3rd March 2015, but the Applicant had decided to send out tenders on 16th March 2015, with a return date for 28th March 2015 to reduce the time required before work could start from 10 weeks, to 5 weeks. The Applicant intended to send out a further

consultation notice relating to the successful tender, but would place the contract as soon as the tenders had been received. The tender analysis of Cooke and Associates dated 30th March 2015 attached to the bundle showed 3 tenders at (base) prices of ££40,559.11, £36,850, and £30,355.20. The Applicant had been recommended to accept the lowest tender (from Titan Elevators Limited).

6. As noted above, the Respondents took no part at all in the application.

Decision

7. The Tribunal noted that essentially its function under Section 20ZA was to decide if the work was urgent, or if otherwise it was reasonable to grant dispensation from the full consultation requirements of Section 20. No Respondent opposed the application. In the light of the evidence and submissions the Tribunal decided to grant dispensation from the notice requirements in Section 20 on the grounds that the work to be done was urgently required.

Tribunal: Judge Lancelot Robson
Signed: Lancelot Robson

Dated: 23rd April 2015

Appendix 1

Landlord & Tenant Act 1985

Section 20ZA Consultation requirements: supplementary

(1) Where an application is made to a [leasehold valuation tribunal] for a determination to dispense with all or any of the consultation requirements in relation to qualifying works or qualifying long term agreement, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.