

11534



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

Case Reference : CHI/00HN/LDC/2016/0008

Property : 797A Christchurch Road, Bournemouth,
Dorset BH7 6AW

Applicant : Leister Corp

Representative : CP Bigwood

Respondent : Ms K Main, Miss C L Beeston and Mr O
Onuorah

Representative :

Type of Application : Dispensation with Consultation
Requirements

Tribunal Member(s) : Judge Tildesley OBE

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

Date of Decision : 3 March 2016

DECISION

The Application

1. On 26 January 2016 the Applicant applied for the dispensation of all or any of the consultation requirements provided for by section 20 of the Landlord and Tenant Act 1985 ("the Act") in respect of urgent works to the property known as 797A Christchurch Road, Bournemouth.
2. On 22 January 2016 the Tribunal granted dispensation from consultation in respect of urgent works to the Dutch gable of the property.
3. This Application related to the Phase 2 works which included propping the plinth, taking down damaged pier and rebuilding, re-pointing masonry and brickwork, making good holes in brickwork to door frame and repairing rotten timber fascia. The cost of these works was estimated to be £3,105 including supervision costs.
4. The Applicant stated that the pier was in a dangerously loose state. Further scaffolding was currently in place which meant that the proposed works could be completed without incurring additional access costs if dispensation was granted.
5. On 3 February 2016 the Tribunal directed that it would determine the application on the papers, unless a party requested an oral hearing by 10 February 2016.
6. The Tribunal also directed the Applicant to send to each Respondent copies of the application and directions together with a form to be completed by a Respondent indicating whether s/he agreed or disagreed with the Application for dispensation.
7. The Applicant confirmed to the Tribunal that it had complied with the direction regarding service of the documents on the Respondents.
8. The parties did not request an oral hearing.

Decision

9. The Applicant provided a report from Meridian Maintenance dated 6 January 2016, which identified the faults with the building and the repairs required. The report incorporated photographs of the faults.
10. The Applicant supplied a copy of the underlease for Flat 1 which showed that the Applicant was responsible for the repair of the exterior structure of the property and common entrances.

11. The Tribunal is satisfied from its examination of the documents that the Phase 2 works were urgent. The Tribunal also considered that it would reduce the costs to the Respondents if the works were completed whilst the scaffolding was in place. The Respondents made no objections to the Application. **The Tribunal, therefore, dispenses with the consultation requirements in respect of the Phase 2 works more particularly described in paragraph 2 above.**
12. This decision is confined to the dispensation from the consultation requirements in respect of the Phase 2 works. The Tribunal has made no determination on whether the costs of the works are reasonable or payable. If a lessee challenges the reasonableness of those costs, then a separate application under section 27A of the Landlord and Tenant Act 1985 would have to be made.

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 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