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

Case Reference : **CHI/00MS/LDS/2016/0031**

Property : **62-67 Bedford Place, Southampton,
Hampshire, SO15 2DS**

Applicant : **Mrs S Barr**

Representative : **F&S Property Management Limited**

Respondents : **Mr J Thompson - 62 Bedford Pl
Mr N & Mr G Dhaliwal - 65 Bedford Pl
Mr J Clark - 65a Bedford Pl**

Representative :

Type of Application : **To dispense with the statutory
consultation requirements**

Tribunal Members : **Mrs H Bowers, MRICS**

Date of Consideration : **11 October 2016**

Date of Decision : **11 October 2016**

DECISION

The Tribunal grants the application for dispensation from further statutory consultation in respect of the subject works. For clarity the works are the renewal of carpets to the stairs and landings of the internal areas of the subject property.

REASONS

The Application

1. The Applicant seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 ("the Act") dispensing with statutory consultation in respect of major works.

2. 62-67 Bedford Place, Southampton, Hampshire, SO15 2DS (the subject property) is described as a block of 7 mixed-use units in a converted property. Externally the building is presented as three blocks with three retail units on the ground and basement floors and four residential flats on the upper floors. Three of the residential units, 62, 65 and 65a are accessed via a communal entrance door and stairs and these three units appear to have a service charge contribution. The fourth residential unit, 64 Bedford Place has its own entrance and appears to have no service charge obligations.

3. The Applicant, Mrs S Barr is the landlord of the subject property and the Respondents are the leaseholders of the three flats (62, 65 and 65a Bedford Place) within the subject property.

4. The application is dated 28 July 2016 and seeks dispensation in respect of works to renew carpets to the stairs and landings of the internal areas of the block. The Tribunal issued Directions on 5 August 2016. These Directions listed the matter for a paper determination during the seven days commencing on 11 October 2016, unless any party requested an oral hearing. There was no such request and therefore this matter was considered on the basis of the papers submitted in accordance with the Directions. The leaseholders were invited to make any submissions by 6 September 2016. The landlord was directed to prepare a bundle with any responses from the leaseholders and the Applicant's own submissions by 20 September 2016.

5. In its explanation as to why the work was needed the Applicant stated that a fire safety inspection of the block in May 2016 had identified that the frayed carpets on the stairs and landing areas, posed a trip hazard to the occupants/visitors of the development. Other areas of the carpet were stretched and worn and there was a potential sliding hazard. The quotation of the carpets was above the threshold. However, it was considered appropriate to proceed with the work to minimize any risk of harm. In addition to the fire and safety inspection, the Regulatory Service Division of Southampton City Council had contacted the managing agents advising that the carpets should be repaired or replaced. In the opinion of the Applicant the leaseholders have not been prejudiced. The work was necessary and the works are replacement works with no embellishments. It was confirmed that none of the consultation process had been followed, however a letter was sent to each of the leaseholders on 12 August 2016 advising them of the application to dispense. Included in the papers is a quotation from P&C Carpets & Flooring Co. Ltd that is dated 2 July 2016. The quotation is for the sum of £1,131.00 including VAT and provides for the removal and disposal of the existing floor covering and the supply and fitting of the new carpeting.

6. The Directions invited any Respondent who opposed the application to submit a response form and to make any statement of response to the Applicant by 6 September 2016. No forms have been received by the Tribunal and no statement of response was included in the bundle. In a letter to the Tribunal from the managing agent dated 12 September, it was confirmed that there had been no response from the leaseholders.

Determination

7. Section 20ZA(1) of the Act provides:

“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 any qualifying works or qualifying long term agreement, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.”

8. The Tribunal has taken account the decision in *Daejan Investments Ltd v Benson and others* [2013] UKSC 14.

9. As mentioned above there has been no direct engagement from any Respondent in respect of the application that would suggest that the works are not necessary and/or ought to have been the subject of full statutory consultation.

10. The description of the problems associated with the dated carpets, the findings from the fire and safety inspection and the correspondence from the Local Authority is sufficient evidence that the subject works were of an urgent nature. The floor coverings are clearly a trip hazard to the occupants and visitors of the block. In all the circumstances the Tribunal considers the work to be of an urgent nature and grants the application for dispensation from statutory consultation in respect of the subject works, considering it reasonable to do so. For clarity the works are the renewal of carpets to the stairs and landings of the internal areas of the subject property.

11. This decision does not affect the Tribunal’s jurisdiction upon any application to make a determination under section 27A of the Act in respect of the reasonable cost of the work.

12. Finally, the Tribunal directs that the Applicant is to send a copy of this decision to each of the Respondents, within 7 days of receipt of this decision.

Name: H C Bowers

Date: 11 October 2016

ANNEX - RIGHTS OF APPEAL

1. If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber) then a written application for permission must be made to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application for permission to appeal must arrive at the Regional office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.
3. If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal, and state the result the party making the application is seeking