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

Case reference : **LON/00BE/LDC/2016/0081**

Property : **(i) Coriander Court, 20 Gainsford Street, London SE1 2NE and (ii) Anise Building, 13 Shad Thames, London SE1 2PB**

Applicant : **Anise & Coriander Freehold Ltd**

Respondents : **25 leaseholders as per the application**

Type of application : **To dispense with the requirement to consult leaseholders about major works**

Tribunal members : **Judge P Korn
Mrs A Flynn FRICS**

Date of decision : **20th September 2016**

DECISION

Decision of the tribunal

- (1) The tribunal dispenses with the consultation requirements in respect of the qualifying works which are the subject of this application.
- (2) No cost applications have been made.

The application

1. The Applicant seeks dispensation under section 20ZA of the Landlord and Tenant Act 1985 (“**the 1985 Act**”) from the consultation requirements imposed on the landlord by section 20 of the 1985 Act in relation to certain qualifying works.
2. The qualifying works which are the subject of this application comprise the replacement of the main front entrance door.

Paper determination

3. In its application the Applicant stated that it would be content with a paper determination if the tribunal considered it appropriate. In its directions dated 1st September 2016 the tribunal allocated the case to the paper track (i.e. without an oral hearing) but noted that any party had the right to request an oral hearing. No party has requested an oral hearing and therefore this matter is being dealt with on the papers alone.

Applicant’s case

4. The Applicant states that the main front entrance door is too heavy for its frame, resulting in the lock frequently breaking. The works to replace the door are urgently required because the door is the only fire escape and on occasions the door cannot be opened from the inside. This presents a risk to occupiers who may not be able to vacate in an emergency. The door handle is getting more and more unreliable.
5. The Applicant’s managing agents have approached several contractors for quotations but only one had replied as at the date of the application.
6. As the Property is in a conservation area there are limits as to what types of door can be installed. No consultation has been carried out.
7. The Applicant has confirmed that it has displayed a copy of the tribunal’s directions at Coriander Court and Anise Building and that it has also emailed all of the Respondents.

Responses from the Respondents

8. The tribunal's directions state that any leaseholder opposing the application must confirm this in writing to the tribunal no later than 12th September 2016 and must send a statement in response to the Applicant's managing agents. The tribunal has received no responses from any of the Respondents, and it would seem – from the absence of such statements in the bundle – that the Applicant's managing agents have not received any statements from any of the Respondents either.

The relevant legal provisions

9. Under Section 20(1) of the 1985 Act, in relation to any qualifying works *“the relevant contributions of tenants are limited ... unless the consultation requirements have been either (a) complied with ... or (b) dispensed with ... by ... the appropriate tribunal”*.
10. Under Section 20ZA(1) of the 1985 Act *“where an application is made to the appropriate tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works..., the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements”*.

Tribunal's decision

11. The tribunal notes the circumstances in which the application for dispensation has been made. Based on the evidence supplied by the Applicant, which has not been contradicted by any of the Respondents, the tribunal concludes that there was a large degree of urgency in relation to the carrying out of these works when the application was made and that the level of urgency has increased since then.
12. None of the Respondents has raised any concerns with the tribunal nor opposed the application for dispensation. The Applicant acted relatively swiftly to address the problem once it became apparent that it was urgent, and the emergency escape issues are sufficiently serious to warrant proceeding with the works without complying with the consultation requirements.
13. Therefore, based on the Applicant's managing agents' written assurance that they have complied with the tribunal's directions by sending to all leaseholders a copy of the tribunal's directions (and presumably the application) and displaying them in the common parts, we are satisfied that it is reasonable to dispense with the consultation requirements in respect of the qualifying works which are the subject of this application.

14. For the avoidance of doubt, this determination is confined to the issue of consultation and does not constitute a decision on the reasonableness of the cost of the works.

Name: Judge P Korn

Date: 20th September 2016

RIGHTS OF APPEAL

- A. If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber) a written application for permission must be made to the First-tier Tribunal at the regional office dealing with the case.
- B. 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.
- C. If the application is not made within the 28 day time limit, such application must include a request for extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then look at such reason and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.
- D. 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.