



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

Case Reference : **LON/00BG/LDC/2017/0117**

Property : **Flats 1-19, 27 Wheler Street,
London E1 6ND**

Applicant : **Sarum Properties Limited**

Representative : **Remus Management Limited**

Respondents : **The long leaseholders at the
property as shown on the
application**

Representative : **None**

Type of Application : **For dispensation of the
consultation requirements under
section 20ZA**

Tribunal Member : **Judge S O'Sullivan**

Date of Decision : **11 October 2017**

DECISION

The application

1. The applicant seeks an order pursuant to s.20ZA of the Landlord and Tenant Act 1985 (as amended) (“the 1985 Act”) for the dispensation of any or all of the consultation requirements. The property concerned is described in the application as a purpose built block of flats containing 19 residential units consisting of 2/3 bedrooms known as Flats 1-19, 27 Wheler Street, London E1 6ND (the “Property”) and the application is made against the various leaseholders in the schedule attached to the application form (the “respondents”).
2. The issue in this case is whether the consultation requirements of section 20 of the 1985 Act should be dispensed with. The applicant seeks dispensation in respect of qualifying works to the lift at the Property.

The background

3. The application was received on 28 September 2017. Directions were made dated 28 September 2017 which provided for the applicant to serve a copy of the directions on all respondents and for them to then indicate whether they consented to the application or not and wished to have a hearing. The applicant confirmed by email dated 2 October 2017 that it had served all the leaseholders in accordance with the directions by both hand delivery and email and by displaying the same on the notice board in the reception areas of the Property.
4. The directions provided that this matter would be considered by way of a paper determination unless a hearing was requested. A hearing was not requested and accordingly the application was considered on the papers on 11 October 2017. The Tribunal did not consider that an inspection was necessary, nor would it have been proportionate to the issues in dispute.
5. The only issue before the Tribunal is whether it should grant dispensation from all or any of the consultation requirements contained in section 20 of the 1985 Act.

The Applicant’s case

6. The applicant relied on the papers filed with the application and on a bundle lodged in support. The applicant says that the inverter drive in the lift has a fault which is causing the lift to trip out intermittently. The drive is in need of repair and general overhaul with the capacitors being replaced, joints reflowed and all consumable components replaced. The applicant relies on a report from DAB Lift and Electrical Services Ltd. The works are said to be urgently required as the unreliability of the lift impacts on the safety of the residents who are unable to use it properly.

7. The applicant has received a quotation for the works from DAB Lift and Electrical Services Ltd dated 8 September 2017 in the total sum of £4,620.36 plus Vat.

The Respondents' position

8. The directions provided for any leaseholder who wished to oppose the application for dispensation to serve a statement of case. None of the leaseholders served any statements of case and thus the tribunal concluded that the application was unopposed.

The Tribunal's decision

9. The Tribunal determines that an order from dispensation under section 20ZA of the 1985 Act shall be made dispensing with all of the consultation requirements in relation to the additional works outlined above.

Reasons for the Tribunal's decision

10. The tribunal has the jurisdiction to grant dispensation under section 20ZA of the 1985 Act *"if satisfied that it is reasonable to dispense with the requirements"*.
11. The application was not opposed by the leaseholders. The tribunal is satisfied that the works were urgently required and that it is appropriate to grant an order for dispensation in these circumstances.
12. The tribunal hereby orders that the applicant shall serve a copy of this decision on each leaseholder.
13. The parties should be aware that this decision does not concern the issue of whether the service charge costs are reasonable and payable and those costs may be the subject of a challenge under section 27A of the Landlord and Tenant Act 1985.

Application under s.20C

14. There was no application for any order under section 20C before the tribunal.

Name: S O'Sullivan

Date: 11 October 2017