

12762



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

Case Reference : **LON/00AA/LDC/2018/0079**

Property : **Priory House, 6 Friar Street,
London EC4V 5DT**

Applicant : **Priory House 2000 Management
Ltd**

Representative : **Daniel Watney LLP**

Respondent : **THE LEASEHOLDERS OF THE
PROPERTY AS LISTED IN THE
SCHEDULE ATTACHED TO THE
APPLICATION**

Representative :

**Date of Receipt of
Application** : **27th April 2018**

Date of Directions : **3rd May 2018**

Tribunal Judge : **Judge Shaw**

Date of Decision : **31st May 2018**

DECISION

Introduction

- (1) This case involves an Application received on 27th April 2018, and made pursuant to the provisions of section 20ZA of the Landlord and Tenant Act 1985 (“the Act”). The Application is made by Priory House 2000 Management Ltd (“the Applicant”) in respect of the property situate and known as Priory House, 6 Friar Street, London EC4V 5DT (“the Property”). The property comprises a converted block of 22 flats, set out over 7 floors. The Respondents are the leaseholders listed in the schedule attached to the application (it is understood they are also the shareholders of the applicant company). The Application is for an Order from the Tribunal, made pursuant to the Act, for a determination dispensing with all or any of the consultation requirements in relation to the relevant works. Those works are detailed in the application. Essentially, the block is served by one passenger lift, but this is presently inoperative because of a leaking hydraulic valve. The cost of the remedial work takes the Applicant into the requirement to enter the consultation process under the Act. Notice of Intention was served dated 18th April, but the Applicant wishes to truncate the process – given that there is only one lift, and there are 7 floors. Very sadly, one of the leaseholders has suffered injury as a consequence of the present situation.

- (2) Directions were given swiftly after the issuing of the Application by the Tribunal on 3rd May 2018. Part of those Directions required the Applicant to prepare a bundle of documents, and send copies to the Tribunal, and the Respondents, requesting them to indicate whether they objected to the order sought, and/or whether they required an oral hearing.

- (3) In the event, no objections were received from any of the flat leaseholders and no-one has sought an oral hearing. Indeed, as appears from the email correspondence supplied to the Tribunal, the Respondents, (who are of course, if the corporate veil is lifted, also the Applicant) appear fully to support the application. Accordingly this determination is being made without the parties attending.
- (4) It seems to the Tribunal that this is exactly the type of scenario for which this legislative dispensation is designed. There is no opposition to the application, indeed so far as can be ascertained, it is supported, and none of the Respondents has requested a hearing. The works are manifestly urgent and there are health issues involved.
- (5) The Tribunal is satisfied that these works are urgently required, without the need for the full consultation process to proceed, and accordingly the Tribunal makes the Order requested, for the reasons relied upon by the Applicant, dispensing with the statutory consultation requirements. The question of cost is a separate matter, and if the Respondents consider that the scope or cost of the works is excessive, their position is protected under section 27A of the Act as referred to below.

Decision

- (6) For the reasons indicated above, the Tribunal is satisfied that this work is sufficiently urgent to justify dispensation being granted pursuant to the Act. It should be stressed and understood that the Tribunal is making no finding in the context of this dispensation order as to the reasonableness of these works either generally or specifically in relation to their cost. It is an order given exclusively in respect of the consultation requirements, and it is entirely open to the Respondents to revert to the Tribunal for a further determination, if so required, as to reasonableness and payability pursuant to the provisions of section 27A.

Conclusion

- (7) For the reasons indicated above, the Tribunal grants the Application made in this case, and dispenses with the remaining consultation requirements of section 20 of the Landlord and Tenant Act 1985, insofar as they relate to the works identified in the Application. As already indicated above, such dispensation does not in any way preclude any further application under section 27A on the part of the Respondents, if so advised.

JUDGE SHAW

31st May 2018