



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

Case Reference : **LON/00AU/LDC/2018/0030**

Property : **Charles Allen House 28 Amwell
Street London EC1R 1XU**

Applicant : **Grainger Finance Company
Limited**

Representative : **Town & City Management Limited**

Respondents : **The various long leaseholders
listed on the sheet attached to the
Application**

Representative : **None**

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

Tribunal Judge : **Judge Pittaway
Ms S Coughlin**

Date of Decision : **9 April 2018**

DECISION

The Tribunal's decision

1. The Tribunal determines that an order under section 20ZA of the 1985 Act dispensing with the consultation requirements in relation to qualifying works shall be made in relation to the cost of replacing the emergency lighting.
2. The parties should be aware that this decision does not concern the issue of whether the service charge costs in relation to these works and 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.

The application

3. The Applicant seeks an order pursuant to s.20ZA of the Landlord and Tenant Act 1985 (as amended) (“the **1985 Act**”) for the retrospective dispensation of any or all of the consultation requirements of section 20 of the 1985 Act. The property concerned is Charles Allen House 28 Amwell Street London EC1R 1XU, described in the application as a purpose built block of 14 flats (the “**Property**”).

The background

4. The application was received by the tribunal on 5 February 2018. The application seeks retrospective dispensation in relation to the replacement of the emergency lighting which had ceased to work; the battery packs were starting to melt, causing a smell and noise throughout the Property.
5. The applicant indicated that it would be content for the matter to be dealt with by way of written representations.
6. Directions were made dated 7 February 2018 which set out the steps to be taken by the parties.
7. The directions provided that that any tenant who wished to oppose the application should do so by serving a statement to that effect on the tribunal and the applicant by 16 March 2018. The tribunal has not received any statements from the tenants opposing the application.
8. The directions indicated that the application would be dealt with on the basis of written representations unless any party requested an oral hearing. No party did so.
9. The tribunal received bundles of documents from the applicant on 6 April 2018, which included a statement of case from the applicant, and have had regard to those documents in reaching its decision.

10. 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.
11. The tribunal did not consider that an inspection was necessary.

The Applicant's case

12. In its undated statement of case the applicant stated that the emergency light fittings in the communal areas were faulty and needed to be replaced urgently, for the building to be fire compliant if there was an emergency. They advised the tenants of their intention.
13. Two quotes were obtained, from Adtech Electrical Contracting Limited and Enterprise Services Group Limited and Enterprise Services Group Limited carried out the work in December 2017.

Reasons for the Tribunal's decision

14. 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*".
15. The tribunal note that the applicants considered the need for the works to be an emergency, and that the tribunal has not received any statements from the tenants opposing the application
16. In light of the above the tribunal considers that it is reasonable to dispense with the consultation requirements.

Application under s.20C

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

Name: Judge Pittaway

Date: 9 April 2018

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

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.

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.

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.

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.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).