



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

Case Reference : **CAM/42UG/LDC/2019/0031**

Property : **Whitehall Place, Thoroughfare,
Woodbridge, IP12 1FB**

Applicant : **Whitehall Investment Ltd**

Respondents : **The leaseholders as set out in the
application**

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

Tribunal Member : **Judge Wayte**

Date of Decision : **5 November 2019**

DECISION

The Tribunal determines that an order for dispensation under section 20ZA of the 1985 Act shall be made dispensing with all of the consultation requirements in relation to the works described in the application.

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 in respect of urgent lift works. The property concerned is described in the application as a purpose-built block of flats up to four storeys high with a communal lift (“the Property”). The application is made against the 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 background

3. The application was received on 14 October 2019. Directions were given the same day with the Applicant required to serve the application and directions on the Respondents. The directions contained a reply form for any leaseholder who objected to the application to return to the tribunal and the Applicant. The Applicant confirmed service on the Respondents by letter dated 16 October 2019.
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 5 November 2019.
5. The Tribunal did not consider that an inspection was necessary, nor would it have been proportionate to the issues in dispute.
6. 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

7. The application stated that the communal lift has been regularly breaking down in the course of the last 4/5 weeks preceding the application. After investigation it was discovered that a new “nexus processor” was causing the problems and required replacement. The Applicant has expressed concern for the welfare of the elderly residents who struggle to use the stairs on a day to day basis. The Applicant agreed a quote of £5,356.95 excluding VAT with Stannah Lift Services Limited, after being unable to obtain a more competitive quote from another company and therefore wishes to dispense with the statutory consultation process to avoid further delay.

The Respondents' position

8. The directions provided for any Respondent who wished to oppose the application for dispensation to complete the reply form attached to the directions and send it to the tribunal and the Applicant. Neither the Applicant nor the tribunal has received any response or statement of case in opposition to the application. In the circumstances the tribunal concluded that the application was unopposed.

The Tribunal's decision

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

Reasons for the Tribunal's decision

12. 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*".
13. The application was not opposed by the leaseholders. The tribunal is satisfied that the works were urgently required and properly authorised. In the circumstances it is appropriate to grant an order for dispensation.

Application under s.20C

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

Name: Judge Wayte

Date: 5 November 2019

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).