



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

Case Reference : CHI/00HN/LDC/2019/0023

Property : Snowdon Mount, 4 Snowdon Road,
Bournemouth, Dorset BH4 9HL

Applicant : RMB 102 Limited

Representative : Rebbeck Brothers

Respondent : The Leaseholders

Representative :

Type of Application : To dispense with the requirement to
consult lessees about major works

Tribunal Member(s) : Judge D. R. Whitney

Date of Decision : 12th April 2019

DETERMINATION

BACKGROUND

1. The Applicant made application dated 19th March 2019 seeking dispensation from consultation requirements.
2. The Property is a purpose built block of 14 flats. Works are required to prevent water ingress to the Property. Whilst initially a consultation had been undertaken further works are required to railings and balustrades (“the Works”) and the Works should be undertaken as part of the original planned works. The Applicant contends dispensation was urgently required so that the Works could be undertaken alongside other works due to commence on 1st April 2019.
3. Directions were given on 2nd March 2019.

DETERMINATION

4. Applicant was required to serve the application on all the leaseholders. The Applicant’s representative confirmed by email that the application and directions had been emailed to all leaseholders.
5. The tribunal has not received any objection to the application. The leaseholders of Flats 1, 4, 5, 8, 12 & 13 have all agreed to the application.
6. The Applicant has provided a determination bundle to which the tribunal has had regard. All references in [] are to pages within that bundle. The bundle includes correspondence setting out the works and correspondence with the leaseholders. It is clear that major works were required and have been the subject of a previous tribunal determination under CHI/00HN/LSC/2016/0034 [69-85].
7. It appears works were originally planned but subsequently additional works were identified. By way of various correspondence but particularly letter dated 15th March 2019 [12-14] the Applicant’s representative has informed the leaseholders of the Works. They also raised the fact further costs would be incurred.
8. The tribunal is mindful that the only responses received have supported the application. The tribunal is satisfied that in the circumstances it is

right and proper to grant dispensation from the requirement to consult pursuant to section 20ZA of the Landlord and Tenant Act 1985 in respect of the Works.

9. The tribunal reminds all parties in making such determination it makes no finding as to the leaseholders liability to pay or the reasonableness of the charges.

Judge D. R. Whitney

1. RIGHTS OF APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28 day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.