



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

Case reference : **LON/00BK/LDC/2021/0159**

HMCTS code (paper) : **P: PAPERREMOTE**

Property : **48 Sutherland Avenue, London W9 2QU**

Applicant : **48 Sutherland Avenue Limited**

Representative : **J W Property Management**

Respondents : **The leaseholders as per the application.**

Representative : **N/A**

Type of application : **Section 20ZA – dispensation from consultation**

Tribunal member : **Judge Tagliavini**

Venue : **10 Alfred Place, London WC1E 7LR**

Date of decision : **31 August 2021**

DECISION

Covid-19 pandemic: description of hearing

This has been a remote hearing on the papers which has not been objected to by the parties. The form of remote hearing was P:PAPERREMOTE. A face-to-face hearing was not held because it was not practicable, and no-one requested the same. The documents that the Tribunal were referred to are in a bundle of 73 pages, the contents of which have been noted.

The tribunal's summary decision

(1) The tribunal grants the applicant's application for dispensation from the consultation requirements of section 20 of the Landlord and Tenant Act 1985, in respect of the helibar works that are required to the building at 48 Sutherland Avenue, London W9 2QU ('the premises') as identified in the report of Concert Consultancy dated 5 May 2021.

1. This is an application seeking the tribunal's dispensation from the consultation requirements of section 20 of the Landlord and Tenant Act 1985 in respect of helibar works to the subject premises. These additional works were found to be necessary to rectify a bowed, leaning or bulging external walls while carrying out external works of redecoration for which consultation took place, scaffolding has been erected and which has been said to remain in place.
2. In support of the application, the applicant relied upon the report of Christopher Grey of Concert Consultancy, Chartered Civil & Structural Consulting Engineers dated 25 May 2021.
3. The applicant confirmed that the application and the tribunal's directions dated 1 July 2021 had been sent to the six long leaseholders. No objection to the additional helibar works was received by the tribunal from any of the lessees and no objections were recorded in the hearing bundle of documents provided by the applicant to the tribunal.

The tribunal's decision and reasons

4. The tribunal is satisfied that the helibar works that have been identified in the report of Concert Consultancy are necessary. The tribunal also finds that it is in the interests of the respondents to have these works carried out while scaffolding is already in place to address these extra works expeditiously, and to avoid an unnecessary increase in the cost of the scaffolding to the long leaseholders.

5. The tribunal is also satisfied that in the absence of any objection to the carrying out of these works by the long leaseholders, the tribunal is satisfied they have not been prejudiced by the lack of consultation.
6. Therefore, the tribunal grants the application sought and dispenses with the consultation requirements in respect of the remedial works required as identified in the report of Concert Consultancy dated 5 May 2021.

Name: Judge Tagliavini

Date: 31 August 2021

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).