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

Case Reference : **LON/OOAJ/LDC/2013/0071**

Property : **Hill and Cresta Courts Hanger Lane
Ealing London w5 3DE & 3DF**

Applicant : **Dorringtons Residential Limited**

Representative : **Mr G Cox FRICS of Bartholomews**

Respondent : **Multiple Leaseholders of Hill and
Cresta Courts Hanger Lane London
W5 3DE and W5 3DF**

Representative : **In Person**

Type of Application : **Application to dispense with
requirements of consultation with
leaseholders in respect of
qualifying works**

Tribunal Members : **Judge P Leighton LLB
Mr L Jarero BSC FRICS**

Date and venue of PTR : **10 Alfred Place, London WC1E 7LR**

Date of Decision : **22nd October 2013**

DECISION

1. The Applicant, Dorrington Residential Limited by application dated 19th July 2013 seeks dispensation from all or some of the consultation requirements imposed on the landlord by section 20 of the Landlord and Tenant Act 1985¹.
2. The Applicant contends that the windows at each of these buildings are in urgent need of repair as they are a health hazard letting in wind and rain and damaging the property of leaseholders. Section 20 notices have not been sent out but discussions entered into with the residents' committee but no agreement could be reached in relation to the works. The Applicant states that the works are now urgent and that going through the full Section 20 procedure would cause unnecessary delay.
3. The matter came before the tribunal on 30th September 2013 (Judge Professor Driscoll) when the application was adjourned and further directions given to enable further information to be placed before the tribunal. Following an addition statement from Mrs Bellenie the Chair of the Residents Association the application was restored for determination on 22nd October 2013. The witness statement deals with some but not all the matters contained in the directions given by the previous tribunal and we are disappointed that no details have been submitted by the landlord's advisers Messrs Bartholomews.

The Facts

4. The estate consists of 62 flats all held on long leases in six different buildings The estate is situated in a conservation area and the windows are of Crittall design. An estimate has been produced from Heritage Windows and an application for planning permission was granted subject to conditions that the windows were produced in accordance with the drawings and design produced by Heritage.
5. Mrs Bellenie states that she has interviewed over 10 contractors and that she believes that Heritage is a sound company with a good product. She also states that they are offering to undertake the work at a reasonable price.
6. She further states that the residents on the estate are very keen that the works are carried out to the communal windows and that over 20 leaseholders have also paid deposits for the replacement of the windows to their individual flats.
7. When the application was issued there was one leaseholder who wrote in supporting the application in addition to Mrs Bellenie and one objection from Miss R Allen who is the leaseholder of 16 Hill Court but who is not a resident on the estate.
8. Mrs Bellenie says she has made exhaustive enquiries of window contractors and if the landlord was required to tender for the works there might be further delays if the local authority were unwilling to approve a different tendered.

The Law

9. Under the provisions of Section 20ZA the tribunal is entitled to grant dispensation from the requirements of the service charge (Consultation Requirements)

¹ See Service Charges (Consultation Requirements) (England) Regulations 2003 (SI2003/1987) Schedule
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Regulations 2003 if it considers it reasonable to do so. The tribunal has a wide discretion but ultimately it has to be satisfied that the grant of dispensation will not cause prejudice to the leaseholders.

The Tribunal's decision

10. The tribunal understands the reluctance of the earlier tribunal to approve dispensation from the requirements to formally consult with a section 20 notice
11. The tribunal accepts that the work must be undertaken by window specialists as this is a conservation area but does not read the decision as requiring only Heritage Windows to undertake the works.
12. It appears that at least 20 leaseholders are in support of the application although a letter of support has been received by one only. The letter of objection is not of great substance and the tribunal is reluctant to delay the works further by requiring a hearing or refusing the application
13. In the view of the tribunal there is just enough information to enable the tribunal to say that it is reasonable to dispense with the requirements to offer the tenants alternative contractors. Mrs Bellenie appears to have made reasonable enquiries and Heritage Windows has, she says offered a competitive price. In the circumstances the Tribunal does not consider that the leaseholders will be prejudiced by the failure to offer the leaseholders the opportunity to put forward an alternative tenderer.
14. The tribunal is not ultimately concerned with the price but if the works turn out to be more expensive than envisaged or the tenants object to the cost they have the right to bring the matter before the tribunal on a Section 27A application

Chairman Judge P Leighton LLB

Date 22ND October 2013