



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

Case Reference : **CHI/00HC/LDC/2019/0068**

Property : **Challicom Apartments,
10 Hill Road, Clevedon,
Bristol, BS21 7NZ**

Applicant : **Grey GR Partnership
Limited**

Respondent : **The Long Lessees of the Property**

Type of Application : **s.20ZA '85 Act**

Tribunal Members : **Judge D Dovar**

Date of Decision : **31st October 2019**

DECISION

1. This an application for dispensation from the statutory consultation requirements in respect of repair works to the lift at the Property.
2. Directions were given on 10th September 2019 for the matter to be determined without a hearing under r.31 of the Tribunal Procedure Rules 2013 unless a party requested a hearing; none have and this matter has been determined without a hearing.
3. The Property is a 4 storey block with 7 residential units and a commercial unit.
4. The Applicant states the following:
 - a. The lift servicing the Property appears to have become unexpectedly inoperable on 29th July 2019;
 - b. After inspection and the sourcing of parts, works were carried out on 9th August 2019, which comprised repair works to the door operator control and skate assembly;
 - c. The urgency in the matter arose because some of the residents, some of whom are elderly and with mobility difficulties, were unable to leave the building until the works were carried out;
 - d. The cost of the repair works exceeded the s.20 limit in respect of one of the apartments and consultation was carried out, as far as it could be, in tandem with this application and a notice of intention was sent out on 16th September 2019 to which no observations or nominations were received. The total cost of the

works is £1,646. In respect of that apartment, no7, it exceeded the limit by £50.46.

5. All 7 long lessees have written to the Tribunal confirming their agreement with the application; including the lessee of no7.
6. Section 20 of the Landlord and Tenant Act 1985 imposes a cap of £250 per leaseholder in respect of qualifying works unless either the landlord complies with a statutory consultation procedure that is set out in the Service Charges (Consultation Requirements) Regulations 2004 or applies to the Tribunal for dispensation in respect of all or part of those requirements under s.20ZA of the 1985 Act. Under such an application the Tribunal can dispense with the requirements if it is satisfied that it is reasonable to do so.
7. In light of the understandable urgency, unanimous agreement and the relatively small margin by which s.20 was triggered, the Tribunal is satisfied that it is reasonable to grant dispensation.
8. Dispensation is therefore granted in relation to those stages of the procedure that have not been complied with; the effect being that the Applicant need not serve any further notices and s.20 of the 1985 Act shall not operate as a cap on the recovery of any service charge in relation to these works.

JUDGE D DOVAR

Appeals

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.

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.

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.

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.