



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

Case Reference	: CHI/21UG/LDC/2021/0059
Property	: The Marlowes (Flats 1-36), Junction of Hastings Road and Elmstead Road, Bexhill-on-Sea TN40 2NS
Applicant	: The Marlowes Residents Company Limited
Representative	: Alex Thomson, Manningtons
Respondents	: The long leaseholders
Representative	: -
Type of Application	: Dispensation with consultation requirements – section 20ZA Landlord and Tenant Act 1985
Tribunal Member	: Judge E Morrison
Date and Venue of Hearing	: Determination on papers
Date of Decision	: 4 August 2021

DECISION

The Application

1. This is an application for dispensation from the consultation requirements provided for in section 20 of the Landlord and Tenant Act 1985.
2. The Applicant management company, which is wholly lessee-owned, explains that The Marlowes comprises five low rise blocks. Work is required to prevent water ingress into the block housing flats 13-18. A number of different problems having been identified which will require work including replacement of lintels and cavity trays and some re-pointing. The cost is presently estimated at £34,000.00, and the leaseholders were informed “earlier in the year”, providing funds which, with the addition of monies held in reserve, will be sufficient to cover the anticipated cost. The Applicant submits that it is important for work to commence during the summer, whilst the weather is more predictable. Due to the cost of scaffolding it is more efficient for all the repairs to be carried out under a single contract.
3. The Applicant seeks dispensation from the consultation requirements under section 20 so the works can be carried out without the delay that following the consultation process would entail.
4. Under section 20ZA of the Landlord and Tenant Act 1985 the Tribunal can determine to dispense with the consultation requirements if it is satisfied that it is reasonable to do so.
5. The application was received by the Tribunal on 23 June 2021. Directions were issued on 2 July 2021, when it was noted as urgent and that it would be decided on the papers. The application and the Directions have been served on the leaseholders.
6. The Tribunal directed the leaseholders to indicate in writing by 16 July 2021 whether they consented to or opposed the application. Two leaseholders replied stating that they agreed with the application. No objections were received.

Decision

7. The Tribunal would have preferred to have been given both more detail about the proposed work, so that it was absolutely clear what scope of work was covered by the application, and an explanation why the full consultation process could not have been carried out earlier in the year. However, the application will be granted because it is clear that work is required, that it is desirable to complete the work during the warmer months, and because there has been no objection from any of the leaseholders.

8. This decision is confined to the dispensation from the consultation requirements in respect of work to remedy water ingress into the block comprising flats 13-18. The Tribunal has made no determination as to whether the cost of the works is reasonable. If a leaseholder wishes to challenge the reasonableness of the cost, then a separate application under section 27A of the Landlord and Tenant Act 1985 will be required.

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 by email to rpsouthern@justice.gov.uk 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.