



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

Case Reference : **LON/00AU/LDC/2014/0100**

Property : **Flats 1-5, 18-30 Clerkenwell Street,
London, EC1M 5PQ and Flats 1-7, 2
Berry Street, London EC1V 0AA**

Applicant : **London Borough of Southwark
Pension Fund**

Representative : **Chainbow Ltd**

Respondent : **Various lessees**

Representative : **N/A**

Type of Application : **To dispense with consultation
requirements**

Tribunal Members : **Judge Tagliavini
Mr L Jarero BSc FRICS**

**Date and venue of
hearing (paper)** : **10 Alfred Place, London WC1E 7LR**

Date of Decision : **16 September 2014**

DECISION

The tribunal's decision

1. The tribunal dispenses with the consultation requirements pursuant to section 20ZA of the Landlord and Tenant Act 1985 in respect of works to replace a control panel to the lift at 2 Berry Street.

Background

2. By an application dated 11 August 2014 the applicant seeks the tribunal's dispensation of the consultation requirements in order to carry out necessary works to the lift at 2 Berry Street. It was agreed by the applicant that the application could be determined on the papers. No request for an oral hearing was received by the tribunal from any of the tenants.

Hearing (paper)

4. In accordance with the tribunal's directions dated 14 August 2014, the tribunal received a hearing bundle for the determination of the application. Other than a written (email) representation received from Mr Paul Clarke, no other written representations were received from any of the tenants, either in support or in opposition to the application.
5. It was submitted by the applicant that the works were required as the lift was prone to frequent breakdowns and had now become virtually unusable. As it was used by tenants living on the 2nd to 7th floors inclusive it was highly inconvenient not to have a reliable lift in operation, particularly as it was regularly used by families with young children. Mr Clarke did not express any opposition to the dispensation application but voiced concerns over the timing and cost of the works.

Reasons for the tribunal's decision

6. The Tribunal is satisfied that the tenants have been provided with an opportunity to be made aware of this application and voice any support or opposition to it. The tribunal is also satisfied that there is an element of urgency to the proposed works and that the works themselves are required. Further, as the tenants, either individually or collectively, have failed to show any prejudice caused as a result of the lack of consultation as prescribed by section 20 of the Landlord and Tenant Act 1985, the tribunal is satisfied that it is fair and reasonable to exercise its discretion to grant the applicant the dispensation sought.

Signed: Judge Tagliavini

Dated: 16 September 2014