



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

**Case Reference** : CHI/43UB/LDC/2015/0058

**Property** : Claremont Place, Church Road, Esher,  
Surrey KT10 0JD

**Applicant** : Beechcroft Foundation Limited

**Representative** : Ethical Leasehold Management Limited

**Respondent** : The lessees

**Representative** :

**Type of Application** : Dispensation with Consultation  
Requirements

**Tribunal Member(s)** : Judge Tildesley OBE

**Date and Venue of  
Hearing** : Determination on Papers

**Date of Decision** : 22 January 2016

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DECISION

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## The Application

1. The Applicant applied for the dispensation of all or any of the consultation requirements provided for by section 20 of the Landlord and Tenant Act 1985 (“the Act”) in respect of repairs and improvement works to the lift.
2. The Application was dated 18 December 2015.
3. On 22 December 2015 the Tribunal directed the Respondents to indicate by 12 January 2016 whether they agreed with the Application and whether they wished the Tribunal to hold a hearing. The Respondents have made no representations.
4. The Applicant supplied the Tribunal with a bundle of documents which included a letter from Jackson Lift Group dated 2 December 2015 setting out the specification for the works to ensure the long term maintenance and reliability of the lifts.
5. The Tribunal is satisfied that the works to the lift should be carried out without undue delay, and that the Applicant has put forward valid reasons for dispensing with the consultation requirements. The Respondents have raised no objections to the application. **In those circumstances the Tribunal dispenses with the consultation requirements in respect of the works to the lift.**
6. This decision is confined to the dispensation from the consultation requirements in respect of the works to the lift. The Tribunal has made no determination on whether the costs of those works are reasonable or payable. If a lessee challenges the reasonableness of those costs, then a separate application under section 27A of the Landlord and Tenant Act 1985 would have to be made.
7. The Tribunal directs the Applicant to serve a copy of the decision on all lessees and affix a copy on the notice board at Claremont Place. The Applicant must notify the Tribunal within 14 days that this has been done.

### **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 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.