



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

Case reference : LON/00BJ/LDC/2017/0015

Property : 4 Mercier Road, Putney, London SW15 2AT ('the property')

Applicant : Mercier Apartments (Putney) MGT Co. Ltd

Representative :

Respondent : Various leaseholders as per the application

Representative :

Type of application : Section 20ZA of the Landlord and Tenant Act 1985

Tribunal member(s) : Miss A Seifert FCI Arb
Mr S Mason BSc FRICS FCI Arb

Date and venue of hearing : 27th March 2017 at 10 Alfred Place, London WC1E 7LR

Date of decision : 27th March 2017

DECISION

Decisions of the tribunal

- (1) The tribunal determines that consultation requirements provided for by section 20ZA of the Landlord and Tenant Act 1985 ('the Act') be dispensed with.
- (2) The tribunal makes the determinations as set out under the various headings in this decision.

The tribunal's reasons

1. By an application dated 11th January 2017, received by the tribunal on 18th January 2017, the applicant seeks a determination that the consultation requirements provided for by section 20ZA of the Act be dispensed with.
2. The property comprises a purpose built block of 12 flats on 4 storeys, construction in the 2000's. The proposed work for which a order for dispensation is sought is work to the lift.
3. The tribunal issued directions dated 16th February 2016. The applicant has provided a bundle of documents to the tribunal dated 23rd March 2017, the contents of which was listed in the index. No representations have been received from any of the respondents in opposition to the application.
4. The tribunal has determined this application on the papers before them.
5. A copy of a lease dated 21st June 2006 in respect of flat 1 at the property was provided to the tribunal.
6. The grounds for seeking a determination under section 20ZA included the following.

The qualifying works include replacing a failed KDL Drive Unit. Quotations have been sought and have exceeded the S.20 limit for the residential block. The work has been instructed as of 11th January 2017. However a start date is being awaited.

7. The consultation that had been carried out was described as follows.

The first notice, section 20 notice of Intention has been issued to all leaseholders informing them of the intention to undertake the above work.

8. The explanation provided for seeking dispensation was stated as follows.

Although the first notice has been issued to make the lessees aware of the intended work, it is vital the lift is brought back to a working order as soon as possible to allow residents on the top floors access to their properties easily. The lift is an intricate part of the building and should not be left out of use longer than necessary. Comparison quotations have been sought and the Directors of the management company are proceeding with the cheapest one.

9. In a letter dated 12th January 2017 to each of the tenants, a draft of which was included in the applicant's bundle, the lessees were informed of the intention of the Management Company to undertake emergency lift repairs at the property as per a Notice of Intention served with the letter.
10. A copy of the Notice of Intention addressed and issued to all the lessees of the property under section 20 of the Act (as amended) was provided. The summary of the proposed works stated that the works will include: *Supply and install a replacement Kone KDL Drive Unit and Upgrade and test the lift before re-commissioning.* Observations were invited in respect of the proposed works and to nominate the name of a person or contractor from whom the Management Company should try to obtain an estimate. Nominations and observations were required to be received by 16th February 2017.
11. On 24th February 2017 a letter was written to the lessees enclosing documents relating to the dispensation process, including dispensation directions and form.
12. Section 20ZA of the Act provides supplementary provisions to the section 20 provisions for 'limitation of service charges: consultation requirements'.

20ZA(1) Where an application is made to a leasehold valuation tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.
13. Having considered the evidence as a whole, the tribunal was satisfied that it is reasonable to dispense with the consultation requirements of section 20 of the Act.

14. Accordingly the tribunal grants the application and dispenses with the relevant requirements.

Name: First-tier tribunal judge
Seifert

Date: 27th March 2017

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.

The application for permission to appeal must arrive at the regional office within 28 days after the tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).