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

Case Reference : **CHI/29UL/LDC/2014/0022**

Property : **Cannongate House & Wellington House 51
Seabrook Road Hythe Kent CT21 5QB**

Applicant : **Southern Land Securities Ltd**

Representative : **Mr. P. Lloyd
Hamilton King Management Ltd**

Respondent : **The Long Leaseholders**

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

Tribunal Members : **Judge D. R. Whitney
R. Athow FRICS**

Date of Hearing : **21st July 2014**

Date of Decision : **21st July 2014**

DECISION

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16. The tribunal was disappointed to note that no earlier attempts had been made to formally consult with the Respondents. The tribunal notes that it was apparent once the surveyors report dated 11 March 2014 was received that major works were required. In the tribunals opinion at this stage some form of consultation could, and should, have been undertaken even if not strictly in compliance with the timetable for the same laid out in the Landlord and Tenant Act 1985.
17. Notwithstanding the above it is apparent from the evidence before the tribunal, particularly the surveyors report, that works were required of an urgent nature to prevent further damage to flat 4 Wellington House. The tribunal also gives weight to the Respondents support of the Application.
18. Having regard to all the circumstances of the case the tribunal grants dispensation from consultation for the major works undertaken and invoiced by PMC (London) Limited on 10th May 2014 in the sum of £9816 inclusive of VAT.

JUDGE D. R. WHITNEY

Appeals

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.

ANNEX

Section 20ZA Landlord and Tenant Act 1985

Consultation requirements: supplementary

(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 or qualifying long term agreement, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.

(2) In section 20 and this section—

- “qualifying works” means works on a building or any other premises, and
- “qualifying long term agreement” means (subject to subsection (3)) an agreement entered into, by or on behalf of the landlord or a superior landlord, for a term of more than twelve months.

(3) The Secretary of State may by regulations provide that an agreement is not a qualifying long term agreement—

- (a) if it is an agreement of a description prescribed by the regulations, or
- (b) in any circumstances so prescribed.

(4) In section 20 and this section “the consultation requirements” means requirements prescribed by regulations made by the Secretary of State.

(5) Regulations under subsection (4) may in particular include provision requiring the landlord—

- (a) to provide details of proposed works or agreements to tenants or the recognised tenants’ association representing them,
- (b) to obtain estimates for proposed works or agreements,
- (c) to invite tenants or the recognised tenants’ association to propose the names of persons from whom the landlord should try to obtain other estimates,
- (d) to have regard to observations made by tenants or the recognised tenants’ association in relation to proposed works or agreements and estimates, and

(e) to give reasons in prescribed circumstances for carrying out works or entering into agreements.

(6) Regulations under section 20 or this section—

(a) may make provision generally or only in relation to specific cases, and

(b) may make different provision for different purposes.

(7) Regulations under section 20 or this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament