

18001



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

Case reference : **LON/00AW/LDC/2018/0137**

Property : **44 Pont Street, London SW1X 0AD**

Applicant : **The Welcome Trust Ltd**

Representative : **twm solicitors**

Respondents : **Various**

Representative :

Type of application : **For the dispensation of the
consultation requirements**

Tribunal member(s) : **Judge S Brilliant**

**Date and venue of
hearing** : **06 November 2018 at 10 Alfred
Place, London WC1E 7LR**

Date of decision : **06 November 2018**

DECISION

Decision of the Tribunal

The Tribunal determines that the applicant has permission to dispense with the consultation requirements in respect of urgent lift remedial works currently in progress at 44 Pont Street, London SW1X 0AD (“the premises”).

The application

1. The applicant seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 to dispense with the consultation requirements in respect of urgent lift remedial works currently in progress at the premises.

Background

2. The premises consist of six flats in a mid terrace Victorian block.
3. Savills (UK) Ltd (“Savills”) took over the management of the premises from Knight Frank LLP (“Frank Knight”) on 28 September 2017.
4. Frank Knight had appointed Mr Stuart Beard of Dewar Partnership Ltd, lift consultants, to inspect and then report on the condition of the lift at the premises (“the lift”). Mr Broad’s report is dated 19 July 2107. The lift is the only one in the premises and serves all floors of the premises.
5. Mr Broad noted that the lift was 80 years’ old. It did not comply with modern codes and standards. Either refurbishment or replacement was required. Either way, the small size of the lift would make the work complex. Savills did not obtain a copy of this report until February 2018, as it was not passed on to them by Frank Knight.
6. In October 2017, shortly after their appointment, Savills experienced problems with lift. Repair works were undertaken.
7. In December 2017, Aspect Lifts Ltd (“Aspect”) recommended lift upgrade works, to include a full re-wire, a new lift car and landing pushes.
8. By January 2018, both Aspect and Temple Lifts Ltd had provided quotations for the work.
9. On 1 February 2018, Savills wrote to the long lessees stating the intention of the landlord to carry out repairs to the lift. These included a full upgrade to the control equipment, a full rewiring, a new lift car,

and landing pushes. There would be the incurring of associated professional fees.

10. The letter advised that application would be made to the Tribunal for dispensation to bypass the need to follow the s.20 consultancy period. No objections were received. Mr Galt, who is disabled and lives on the top floor, positively asked for dispensation to be sought.
11. On 10 April 2018, Aspect provided a tender of £83,323.00 plus VAT.
12. The time for modernising the lift would be between 20 and 40 weeks.
13. Mr Beard suggested that an instruction should be given to Aspect to commence the lift works without further consultation in order to shorten timescales.
14. The works are currently in progress.

The application

15. An application to dispense with the consultation requirements was received by the Tribunal on 13 August 2018. It was explained that the disabled lessee on the top floor could no longer stay in his flat. Directions were given on 20 August 2018. The time for complying with the directions was amended on 1 October 2018. It was directed that the application would be heard on the papers.

Decision

16. The works being carried out are qualifying works. In view of the urgent need to complete them and the lack of any prejudice to the lessees, I consider it appropriate to dispense with the consultation requirements in this case.
17. This decision does not relate to the quality of the work carried out or the reasonableness of the cost.

Name: Simon Brilliant

Date: 06 November 2018

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).