



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

**Case Reference** : **CAM/00ME/LDC/2019/0015**

**Property** : **1-14 Lewis Court, Moorbridge  
Road, Maidenhead, Berkshire SL6  
8FW**

**Applicant** : **Waitrose Limited**

**Representative** : **Encore Estates**

**Respondents** : **Various leaseholders as set out in  
the application**

**Type of Application** : **For dispensation of the  
consultation requirements under  
section 20ZA**

**Tribunal Member** : **Judge Wayte**

**Date of Decision** : **1 July 2019**

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**DECISION**

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## **The application**

1. The Applicant seeks an order pursuant to s.20ZA of the Landlord and Tenant Act 1985 (as amended) (“the 1985 Act”) for the dispensation of any or all of the consultation requirements in respect of urgent works to replace failed emergency lighting in the common parts. The property concerned is described in the application as a purpose-built block of 14 flats over three floors above retail premises. The application is made against the various leaseholders in the schedule attached to the application form (the “Respondents”).
2. The issue in this case is whether the consultation requirements of section 20 of the 1985 Act should be dispensed with.
3. The grounds given in the application state that currently 43 of the 44 emergency lights have failed, with the risk that residents will be unable to exit the development safely and quickly in the event of a fire or other emergency requiring evacuation. Dispensation is sought due to the urgent nature of the works. Two estimates have been provided for the works, one for £4,028.25 plus VAT and one for £5,953.25 plus VAT.

## **The background**

4. The application was received on 29 May 2019. Directions were made on 30 May 2019 which provided for the Applicant to serve a copy of the application and directions on the Respondents and for them to then indicate whether they opposed the application. The Applicant confirmed by an email dated today that it had served all 14 leaseholders on 19 June 2019. None of the leaseholders have replied to the tribunal raising an objection to the application and that email also confirmed that none had raised an objection with the Applicant.
5. The directions provided that this matter would be considered by way of a paper determination unless a hearing was requested. A hearing was not requested and accordingly the application was considered on the papers on 1 July 2019.
6. The Tribunal did not consider that an inspection was necessary, nor would it have been proportionate to the issues in dispute.
7. The only issue before the Tribunal is whether it should grant dispensation from all or any of the consultation requirements contained in section 20 of the 1985 Act.

### **The Tribunal's decision**

12. The Tribunal determines that an order for dispensation under section 20ZA of the 1985 Act shall be made dispensing with all of the consultation requirements in relation to the works outlined above.

### **Reasons for the Tribunal's decision**

13. The tribunal has the jurisdiction to grant dispensation under section 20ZA of the 1985 Act "*if satisfied that it is reasonable to dispense with the requirements*".
14. The application was not opposed by the leaseholders. The tribunal is satisfied that the works are urgently required and that it is appropriate to grant an order for dispensation in these circumstances.

**Name:** Judge Wayte

**Date:** 1 July 2019

### **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).