



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

Case Reference : CHI/29UL/LDC/2019/0002

Property : Tresillian Court, 20 Clifton Gardens,
Folkestone, Kent, CT20 2EF

Applicant : 20 Clifton Gardens Management Limited

Representative :

Respondents : The long lessees

Representative : -

Type of Application : To dispense with the requirement to
consult lessees about major works

Tribunal Member(s) : Judge Tildesley OBE

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

Date of Decision : 13 March 2019

DECISION

The Application

1. This is an application for dispensation from the consultation requirements provided for in section 20 Landlord and Tenant Act 1985.
2. The Applicant explains that urgent works had to be carried out in Autumn 2018 following storm damage to the roof. The Applicant states that all lessees were consulted (albeit it seems not in accordance with section 20) and agreed to the works, save the lessee of the Bedsit who could not be contacted.
3. The Applicant obtained two quotations for the works and opted to contract with D J Building Services which supplied a payment schedule for the works from which totalled £66,528 including VAT.
4. The Application for dispensation was received on 18 January 2019
5. On 23 January 2019 the Tribunal directed the Applicant to serve a copy of the application and directions on each leaseholder and display a copy of the application in a prominent position in the common parts of the property. The Applicant was required to inform the Tribunal that it had sent the application form and directions to the leaseholders.
6. The directions also required the leaseholders to return a pro-forma to the Tribunal by 8 February 2019 indicating whether they agreed or disagreed with the application and whether they consented to a determination on the papers.
7. The Applicant served the Tribunal with a hearing bundle of documents on 12 March 2019.

Determination

8. The Tribunal is satisfied from the application and the documents included in the hearing bundle that the works to the roof and the external decorations were necessary, and urgent.
9. The Tribunal finds that the six main leaseholders were in agreement with the works and have arranged the necessary funds to pay for them. The Applicant had difficulty in contacting the leaseholder of the bedsit who apparently is liable for one sixtieth of the costs. The Applicant served the various documents on the leaseholder of the bedsit who has made no observations in relation to the Application.
10. The Tribunal's decision is confined to the dispensation from the consultation requirements in respect of the works. The Tribunal has made no determination on whether the costs of those works are reasonable or payable. If a leaseholder wishes to challenge the

reasonableness of those costs, then a separate application under section 27A of the Landlord and Tenant Act 1985 would have to be made.

11. **The Tribunal, therefore, dispenses with the consultation requirements in respect of the works to the roof and the external decorations.**

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