



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

Case Reference : CHI/ 00MR/LDC/2020/0018

Property : 1-45 Darwin House, Australia Close,
Portsmouth PO1 1JW

Applicant : Portsmouth City Council

Representative :

Respondent :

Representative :

Type of Application : To dispense with the requirement to
consult lessees about major works and/or a
Qualifying Long-Term Agreement

Tribunal Member : Mr D Banfield FRICS

Date of Decision : 30 April 2020

DECISION

The Tribunal grants dispensation from the remaining consultation requirements of S.20 Landlord and Tenant Act 1985 in respect of electrical modifications on communal supplies, controller replacement, full rewire and replacement of the landing station and shaft lighting.

In granting dispensation, the Tribunal makes no determination as to whether any service charge costs are reasonable or payable.

Background

1. The Applicant seeks dispensation under Section 20ZA of the Landlord and Tenant Act 1985 from the consultation requirements imposed on the landlord by Section 20 of the 1985 Act.
2. The Applicant explains that repairs were carried out to the lifts in the block comprising “electrical modifications on communal supplies, controller replacement and full rewire. We also replaced the landing station and shaft lighting”
3. The Tribunal made Directions on 24 February 2020 indicating that the application would be determined on the papers in accordance with Rule 31 of the Tribunal Procedure Rules 2013 unless a party objected. Attached to the directions was a form for the Respondents to indicate whether they agreed with or objected to the application.
4. It was indicated that if the application was agreed to or no response was received the lessees would be removed as Respondents.
5. No replies were received, and the lessees have therefore been removed as Respondents as referred to above.
6. No requests for an oral hearing have been received and the application is therefore determined on the papers received.
7. It appeared to the Tribunal that contrary to Directions a hearing bundle had not been filed and the Application was struck out. An application to re-instate was received and on investigation it became apparent that the Applicant’s statement of case comprised a single letter the However Due to a breakdown in communications due to the current remote working the Application was struck out due to a lack of the Applicant’s statement of case. However following clarification that the “bundle” comprised a single letter dated 26 March 2020. The Tribunal is satisfied however that it has sufficient information to determine the Application and it is therefore reinstated.
8. The only issue for the Tribunal is whether it is reasonable to dispense with any statutory consultation requirements. This decision does not concern the issue of whether any service charge costs will be reasonable or payable.

The Law

9. The relevant section of the Act reads as follows:

20ZA Consultation requirements:

- a. 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.

Evidence

10. The Application contains sufficient supporting information and it is confirmed that no lessee has objected.

Determination

11. Dispensation from the consultation requirements of S.20 of the Act may be given where the Tribunal is satisfied that it is reasonable to dispense with the requirements.
12. It is clear that works to maintain a lift service is essential and should be carried out as quickly as possible and that it was unreasonable to incur the delay by carrying out S.20 consultations.
13. No lessee has objected, and no evidence of prejudice has been identified.
14. In view of the above the Tribunal grants dispensation from the remaining consultation requirements of S.20 Landlord and Tenant Act 1985 in respect of electrical modifications on communal supplies, controller replacement, full rewire and replacement of the landing station and shaft lighting.
15. In granting dispensation, the Tribunal makes no determination as to whether any service charge costs are reasonable or payable.

D Banfield FRICS

30 April 2020

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. 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.

2. 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.
3. 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 appeal is seeking.