



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

**Case reference** : **LON/00AU/LDC/2020/0060**

**HMCTS Code** : **P:Paper remote**

**Property** : **393 Liverpool Road, London N1 1NP**

**Applicant** : **Liverpool Road Ltd**

**Representative** : **Alexander Reece Thomson LLP**

**Respondent** : **The long leaseholders of flats 1-14, 393  
Liverpool Road, London N1 1NP**

**Type of application** : **To dispense with the requirement to  
consult leaseholders about major works**

**Tribunal members** : **Judge Angus Andrew**

**Hearing venue** : **10 Alfred Place, London WC1E 7LR**

**Date of decision** : **2 July 2020**

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**DECISION**

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## **Covid-19 pandemic: description of hearing**

This has been a remote hearing on the papers which has been consented to by the applicant and not objected to by the respondents. The form of remote hearing was P: PAPER REMOTE. A face-to-face hearing was not held because it was not practicable and no-one requested the same.

## **The application and determination**

1. On 11 May 2020 the applicant applied to the tribunal for dispensation from the consultation requirements provided by section 20 of the Landlord and Tenant Act 1985 in respect of the proposed replacement of the variable drive frequency in the lift at an estimated cost of £4,536.61 plus VAT. The applicant consented to the application being determined on the papers alone and without an oral hearing.
2. The tribunal gave directions on 13 May 2020. The directions provided for a paper determination unless any of the respondents requested an oral hearing within 28 days. It is apparent that no such request was received by the tribunal.
3. The directions required the applicant by 27 May 2020 to deliver to each of the respondents and display in a prominent position in the common parts of property copies of the application form, an expanded statement of reasons and the directions. By email of 27 May 2020 the applicant's representative confirmed that it had complied with this requirement.
4. The directions also required each respondent to complete a reply form attached to the directions and return it to the tribunal by 12 June 2020. Only one completed reply form was received by the tribunal. By that reply form the respondent supported the application and did not request an oral hearing despite being given the opportunity to make such a request.
5. As a result of the Covid-19 Pandemic the applicant was required to submit digital papers by email. I have now reviewed all the documents submitted by the applicant including the application form, specimen lease, the tribunal directions, a letter sent to the respondents enclosing the directed documents, a service contract with Schindler Lifts, a quotation from Schindler Lifts in the sum of £5,411.61 plus VAT (subsequently reduced to £4,536.61) and estimates from two other suppliers in the sums of £5,372.00 plus VAT and £4,435.00 plus VAT. Having reviewed those documents I am satisfied that the case is suitable for a paper determination. It is on the basis of those documents that I find the facts recorded in the following sections of this decision.

## **Decision**

6. For each of the following reasons I dispense with the consultation requirements provided by Section 20 of the Landlord and Tenant Act 1985, in so far as they relate to the proposed replacement of the main drive unit in the lift with an upgraded unit with modification kit at an estimated cost of £4,536.61 plus VAT.

### **Reasons**

7. The property consists of 14 flats on five floors. The existing lift was supplied by Schindler Lifts Ltd and is essential for the residents on the upper floors. The lift is currently out of action because the main drive unit that controls the speed, acceleration and deceleration of the lift no longer works and is beyond repair. Given the age of the lift the only viable option is to replace the main drive unit with an upgraded unit with modification kit. The replacement should be completed as soon as possible so that the lift can be brought back into service without undue delay.
8. The respondents have been given full details of the proposed works including the estimated cost and no objections have been received.
9. The only completed reply from received by the tribunal supports the application.
10. Although I remind myself that I am not concerned with the reasonableness of the estimated cost the applicant has nevertheless obtained 3 estimated for the proposed work. Although the estimate from Schindler Lifts Ltd is marginally higher than one of the other estimates I agree with the applicant's reasoning that it is preferable to use the supplier of the original lift to complete the work and maintain the lift.
11. Under the terms of the respondents' leases the applicant as lessor is required to keep the lift "in good repair and condition".

**Name:** *Judge Angus Andrew*      **Date:** 2 July 2020

### **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).