



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

Case Reference	:	CHI/00HP/LDC/2021/0060
Property	:	Purbeck Heights, 9 Mount Road, Poole BH14 0QP
Applicant	:	Purbeck Heights (Management) Limited
Representative	:	
Respondents	:	The long leaseholders
Representative	:	-
Type of Application	:	Dispensation with consultation requirements – section 20ZA Landlord and Tenant Act 1985
Tribunal Member	:	Judge E Morrison
Date and Venue of Hearing	:	Determination on papers
Date of Decision	:	4 August 2021

DECISION

The Application

1. This is an application for dispensation from the consultation requirements provided for in section 20 of the Landlord and Tenant Act 1985.
2. The Applicant management company explains that in excess of 10 out of the 32 flats at Purbeck Heights are suffering from persistent damp, and various remedial works are required “surrounding the buildings”. Although little information has been provided about the cause(s) of the damp, and the precise scope of the proposed repairs, it is said that surveys have been carried out, schedules of work prepared, estimates sought, and contractors are ready to start work. It is submitted that it will be less disruptive to residents if the work is carried out in the warmer months, and this will also allow the flats to dry out and be redecorated before the winter.
3. The Applicant seeks dispensation from the consultation requirements under section 20 so the works can be carried out without the delay that following the consultation process would entail.
4. Under section 20ZA of the Landlord and Tenant Act 1985 the Tribunal can determine to dispense with the consultation requirements if it is satisfied that it is reasonable to do so.
5. The application, although dated 15 December 2020, was received by the Tribunal on 1 July 2021. Directions were issued on 7 July 2021, when it was noted as urgent, and that it would be determined on the papers without an oral hearing. The application and the Directions have been served on the leaseholders.
6. The Tribunal directed the leaseholders to indicate in writing by 15 July 2021 whether they consented to or opposed the application. If they opposed, a statement setting out reasons was to be provided. Eight leaseholders replied stating that they agreed with the application. Only one leaseholder objected, but he provided no explanation of his reasons or grounds for objection other than to say “clarification and consultation needed”.

Decision

7. Although the Tribunal would have preferred to have been given more detail about the proposed work, so that it was absolutely clear what scope of work was covered by the application, the application will be granted because of the substantial extent of the damp problem and its effect on residents, the clear desirability of completing the work during the warmer months, and the lack of a specific reasoned objection from any of the leaseholders.

8. This decision is confined to the dispensation from the consultation requirements in respect of work covered by the schedule of works and estimates referred to in the application. The Tribunal has made no determination as to whether the cost of the works is reasonable. If a leaseholder wishes to challenge the reasonableness of the cost, then a separate application under section 27A of the Landlord and Tenant Act 1985 will be required.

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 by email to rpsouthern@justice.gov.uk 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.