



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

Case Reference : **CHI/21UC/LDC/2019/0036**

Property : **Baslow Court, Baslow Road,
Eastbourne, East Sussex BN20 7UL**

Applicant : **Baslow Court (Eastbourne)
Management Limited**

Representative : **Housemartins Property Management**

Respondents : **The Lessees**

Representative : **-**

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

Tribunal Member : **Judge E Morrison**

**Date and venue of
Hearing** : **Determination on the papers**

Date of decision : **15 May 2019**

DECISION

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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 the lift at Baslow Court broke down on 24 April 2019 and it was then deemed unfit for use until a replacement cabin door is fitted. Some of the residents are elderly and/or have mobility issues.
3. On 2 May 2019 the Applicant's managing agents wrote to all the lessees informing them (i) of the intention to replace the lift door as a matter of urgency (ii) that an application would be made to the Tribunal for dispensation from the consultation requirements and (iii) quotations for the work were being obtained. The lessees were asked to provide written consent to the works proceeding, acknowledging that the cost would exceed the consultation threshold.
4. All the lessees have provided written consent for the "emergency" works.
5. On 10 May 2019 the managing agents sent the lessees a statement setting out the details of two quotations obtained, and confirming that a contract had been entered into.
6. The Application for dispensation was received by the Tribunal on 13 May 2019.
7. Given that all lessees, who are the Respondents, have already been informed of the application, and have given their consent to the works going ahead now without full statutory consultation, the Tribunal considers this is an appropriate case for a summary determination, without the necessity for formal notice of the application to the lessees.

Determination

8. The Tribunal is satisfied from the application and the accompanying documents that the works to the lift were necessary and urgent.
9. The Tribunal's decision is confined to the dispensation from the consultation requirements in respect of the works. The Tribunal has made no determination as to whether the costs of those works will be reasonable or payable. If a lessee 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.

10. **The Tribunal, therefore, dispenses with the consultation requirements in respect of the works to the lift.**
11. The Tribunal will send a copy of this decision to each of the 11 lessees.

Dated: 15 May 2019

Judge E Morrison

Appeals

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.