



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

**Case Reference** : **LON/00AP/LDC/2019/0069**

**Property** : **Kempton House, 52 Cholmeley  
Park, London N6 5AD**

**Applicant** : **Cholmeley Park (Phase 2)  
Management Ltd**

**Representative** : **Dexter Block Management**

**Respondent** : **(1)Ms D Wolfinden (2) Dr A  
Schaefer & Miss W Pekrull (3) Ms J  
Klevenhagen (4) Mr. P Machado &  
Ms A Santos (5) Mr. A Lucas (6) Mr.  
T Anastassopoulos & Ms N  
Schrader**

**Representative** : **N/A**

**Type of Application** : **Section 20ZA**

**Tribunal Member** : **Judge LM Tagliavini  
Miss M Krisko FRICS**

**Date and place of  
hearing (paper)** : **10 Alfred Place, London WC1E 7LR  
4 June 2019**

**Date of decision** : **6 June 2019**

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**DECISION**

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### **The tribunal's summary decision:**

The tribunal refuses the application to dispense with the consultation requirements pursuant to section 20 of the Landlord and Tenant Act 1985.

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### **The application**

1. This is an application made pursuant to the provisions of section 20ZA of the Landlord and Tenant Act 1985 seeking dispensation of the consultation provisions required by that Act.

### **The property**

2. The subject property comprises a purpose built 4 storey (plus basement) residential block of flats containing 6 self-contained flats accessed from an internal staircase.

### **The Applicant's case**

3. The Applicant landlord seeks the tribunal's dispensation from the statutory consultation requirements in respect of repairs to a garage shutter. In an estimate dated 4 April 2019 from Pearly Gate Maintenance, it was reported that the shutter required replacement although this quote did not specify the reasons for this. In its application to the tribunal the Applicant asserted that on 10 April 2019 the shutter was reported as being "stuck open." The Applicant also asserted that a further inspection deemed the shutter to be unsafe. The Applicant asserts that works of replacement are urgent as the residents store valuable items in the garage and the garage is open to the public due to the shutter being open.
4. On 16 April 2019 the Applicant served a Notice of Intention on the Respondent tenants, indicating it intended to carry out works of replacement to the shutter. On 7 May 2019 works were carried out to replace this garage shutter.

### **The Respondent's case**

5. None of the Respondent tenants corresponded with the tribunal or sought to make any objection to the application copies of which had been sent to them by the tribunal.

### **The tribunal's decision and reasons**

6. As neither party made a request for an oral hearing the tribunal determined this application on the documents provided.
7. The tribunal finds that the Applicant has failed to specify the location of the garage shutter or whether the shutter forms part of the entrance to the basement (parking)?
8. Further, the tribunal is not persuaded from the minimal evidence provided by the Applicant that the garage shutter either presented a health and safety hazard or was urgently in need of repair/replacement. The tribunal notes that the Applicant has not provided the tribunal with any documentary evidence of any further inspection having taken place after 4 April 2019 or provided evidence of the reports of the shutter being "stuck open."
9. Further, the tribunal notes that the Applicant waited nearly a month before works to replace the shutter were carried out indicating a lack of urgency. In any event, the tribunal finds that the sample lease provided for Flat 1, provides for parking spaces in the garage to be used for the parking of vehicles only and not for the purpose of storage.
10. The tribunal is not persuaded that the tribunal should exercise its discretionary powers to dispense with the consultation requirement and therefore refuses the application.

**Signed: Judge Tagliavini**

**Dated: 6 June 2019**