



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

**Case Reference** : CHI/ 45UC/LDC/2019/0035

**Property** : 1-136 Barkis House  
Brownlow Close  
Portsmouth  
PO1 4EP

**Applicant** : Portsmouth City Council

**Representative** :

**Respondents** : Mrs L Skerry  
Mr H & Mrs Y Ng

**Representative** : -

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

**Tribunal Member(s)** : Judge Tildesley OBE

**Date and Venue of  
Hearing** : Determination on Papers

**Date of Decision** : 5 June 2019

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DECISION

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## The Application

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 works are required to replace the lifts main control panel, shaft signalisation refurbishment of doors and all wiring. The Applicants state that if these works are not carried out urgently, there is a risk that the lifts may fail which would put them out of service for a considerable period of time. The Applicant has instructed Axis/CES to carry out the works under the terms of a qualifying long term agreement which was reviewed in 2017. The Applicant has notified the leaseholders of its intention to carry out the works. The leaseholders' contribution to the works is £1,947 which will be taken from reserves.
3. The Application for dispensation was received on 14 May 2019
4. On 15 May 2019 the Tribunal directed the leaseholders to return a pro-forma to the Tribunal by 29 May 2019 indicating whether they agreed or disagreed with the application and whether they consented to a determination on the papers. The leaseholders made no representations.
5. The Applicant served the Tribunal with a hearing bundle of documents on 31 May 2019.

## Determination

6. The Tribunal is satisfied from the application and the documents that the works to the lifts' main control panel and other areas are necessary, and urgent. In those circumstances the Applicant has been prudent in making use of the qualifying long term agreement to secure the services of a contractor.
7. The Tribunal infers from the leaseholders' failure to respond that they did not object to the Application.
8. **The Tribunal, therefore, dispenses with the consultation requirements in respect of the works to replace the lifts main control panel, shaft signalisation refurbishment of doors and all wiring.**
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 on whether the costs of those works are reasonable or payable. If a leaseholder 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.

### 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 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.