



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

Case Reference: LON/00BK/LDC/2020/0241P

Properties: Various Flats at 21-23 Buckingham Palace Road and 15-16 Warwick Row SW1W 0PP.

Applicant: RG Securities (No 2) Ltd

Representative: Parkfords

Respondents: Various Leaseholders

Representative: No Representative

Type of Application: To dispense with the statutory consultation requirements

Tribunal Member: Mr R Waterhouse BSc MA LLM FRICS

Date of Consideration: 8 February 2021

Date of Decision: 8 February 2021

DECISION

1.) This has been a paper hearing on the papers which has not been objected to by the parties. The form of remote hearing was a paper determination which is not provisional. A face to face hearing was not held because it was not practicable, no-one had requested a hearing and all issues could be determined on paper. The documents that I was referred to are the application form plus 44 pages and email dated 22 December 2020 from Parkfords Management, the contents of which I have noted.

2.) The Tribunal grants the application for dispensation from statutory consultation in respect of the subject works. For clarity the works are the replacement of the GECEB board for the lift.

REASONS

The Application

- 1.) The Applicant seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 (“the Act”) dispensing with statutory consultation in respect of major works.
- 2.) This application is in relation to works at 21 & 23 Buckingham Palace Road & 15/16 Warwick Row SW1W 0PP (the subject property). The property is described as a purpose-built block of eight flats. The Applicant is RG Securities (No2) Ltd and the various leaseholders were the Respondents.
- 3.) The application, made by Parkfords Management on behalf of the Applicant, was dated 3 December 2020. Directions were issued by the Tribunal on 9 December 2020. The Directions listed the matter for a paper determination for the week commencing 8 February 2021, unless any party made a request for a hearing. The Directions also required the Applicant to send to each leaseholder a copy of the application form, supporting documents and the Directions and to place a copy of the documents on a communal notice board. By an email dated 22 December 2020 it was confirmed that the Applicant had taken the necessary steps to inform the leaseholders as required by the Directions.
- 4.) The application seeks dispensation in respect of works for the replacement of the GEGB board for the lift. The application was stated that the issue was causing inconvenience to residents and leaseholders.
- 5.) The papers submitted on behalf of the Applicant noted a quotation for the works of £2,655 + VAT.
- 6.) In the application it was noted that it was the intention to instruct that the works to be undertaken at the earliest opportunity.
- 7.) The Directions invited any Respondent/leaseholder who opposed the application to submit a response form to the Tribunal and to make any statement of response to the Tribunal and the Applicant/landlord by 8 January 2021. No responses have been received.

Determination

- 8.) Section 20ZA(1) of the Act provides:

“Where an application is made to a leasehold valuation tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works or qualifying long term agreement, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.”

9.) The Tribunal has taken account the decision in Daejan Investments Ltd v Benson and others [2013] UKSC 14.

10.) As mentioned above there has been no engagement from the Respondents. The work is of an urgent nature given the need for the lift to function reliably to provide access to the upper floors of the block. In all the circumstances the Tribunal grants the application for dispensation from statutory consultation in respect of the subject works, considering it reasonable to do so. For clarity the works are the replacement of the CECB Board for the lift.

11.) The Tribunal directs that the Applicant sends a copy of this decision to all the Respondent/leaseholders.

12.) This decision does not affect the Tribunal's jurisdiction upon any future application to make a determination under section 27A of the Act in respect of the reasonable cost of the work.

Name: R Waterhouse: 8 February 2021

ANNEX - RIGHTS OF APPEAL

1. 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.
2. 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.
3. 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.
4. 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.