



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

Case reference : **LON/00BG/LDC/2021/0081**

**HMCTS code
(paper, video,
audio)** : **P: PAPER REMOTE**

Property : **Regatta Point, 33-39 Westferry Road,
Isle of Dogs, London, E14 8JZ**

Applicant : **Foxstones Estates Limited**

Representative : **Montalt Management**

Respondent : **The leaseholders at Regatta Point**

Type of application : **Dispensation with Consultation
Requirements under section 20ZA
Landlord and Tenant Act 1985**

Tribunal member : **Judge Robert Latham
Stephen Mason FRICS**

Venue : **10 Alfred Place, London WC1E 7LR**

Date of decision : **27 May 2021**

DECISION

The Tribunal grants this application to dispense with the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985 without condition in respect of the proposed works to the lift.

Covid-19 pandemic: description of hearing

This has been a remote hearing which has not been objected to by the parties. The form of remote hearing was P:PAPER REMOTE. The Directions provided for the application to be determined on the papers unless any party requested a hearing. No party has requested a hearing. The applicant has filed a bundle in support of the application.

The Application

1. The Tribunal has received an application, dated 21 March 2021, from Montalt Management (“the applicant”), seeking dispensation from the consultation requirements of section 20 of the Landlord and Tenant Act 1985 (“the Act”) in respect of the purpose built block of flats at Regatta Point, 33-39 Westferry Road, Isle of Dogs, London, E14 8JZ. The block consists of 19 residential flats. There are commercial units on the ground floor.
2. The application relates to proposed repairs to the lift. The applicant states that the lift has been in disrepair for some time. Whilst there have been temporary fixes, these have not resolved the problems. The lift has been out of service since January 2021. Some residents have disabilities and have been unable to leave their flats. Some sub-tenants have determined their tenancies because of the inoperable lift. Deliveries of large items have not been possible. Home working has been adversely affected. On 1 March, the applicant obtained an estimate from Abbey Liftcare for the necessary repairs in the sum of £12,562.39 + VAT.
3. On 6 April 2021, the Tribunal issued Directions. The Tribunal stated that it would determine the application on the papers, unless any party requested an oral hearing. No party has done so.
4. By 19 April 2021, the applicant was directed to send to each of the leaseholders by email, hand delivery or first-class post, copies of the application form (excluding any list of respondents’ names and addresses), a brief summary of the case explaining why the applicant was seeking dispensation and a copy of the directions.
5. By 30 April 2021, any leaseholder who opposed the application was directed to complete a Reply Form which was attached to the Directions and email it both to the Tribunal and to the applicant. The leaseholder was further directed to send the applicant a statement in response to the application. No leaseholder has returned a completed Reply Form.
6. The applicant has emailed the tribunal a bundle of documents in support of their application. The applicant states that the material was sent to the leaseholders on 21 April. No leaseholder has objected to the application. The bundle includes a copy of the lease for Flat 1.

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

“Where an application is made to the appropriate 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.”

8. The only issue which this Tribunal has been required to determine is whether or not it is reasonable to dispense with the statutory consultation requirements. This application does not concern the issue of whether any service charge costs will be reasonable or payable.

9. The Tribunal is satisfied that it is reasonable to grant dispensation from the statutory consultation requirements. This is justified by the urgent need for the works. There is no suggestion that any prejudice has arisen. In the circumstances, it is appropriate to grant dispensation without any conditions.

10. The Tribunal hopes that the works have now been executed. The statutory consultation requirements are not a reason to delay the execution of urgent works. Dispensation will be granted in such circumstances when it is reasonable to do so.

11. The Directions made provision for the service of the Tribunal’s decision. The Tribunal will send, by email, a copy of its decision to the applicant. The Tribunal directs the applicant to send a copy to the leaseholders.

Judge Robert Latham
27 May 2021

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made **by e-mail** to the First-tier Tribunal at the regional office which has been dealing with the case.

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.

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.

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.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).