



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

Case Reference	: CHI/45UF/LDC/2021/0088/AW
Property	: 5-13 Warnham Court, Warnham, Horsham, West Sussex RH12 3QF
Applicant	: Warnham Court (Horsham) Management Company Limited
Representative	: Courtney Green Block & Estate Management Limited
Respondent	: The Leaseholders
Representative	: -
Type of Application	: To dispense with the requirement to consult lessees about major works: section 20ZA of the Landlord and Tenant Act 1985
Tribunal Member(s)	: Judge E Morrison
Date of Decision	: 17 November 2021 (on the papers)

DECISION

Background

1. This is an application for dispensation from the consultation required by section 20 Landlord and Tenant Act 1985.
2. The application explained that the lift at Warnham Court was out of order and required repair, causing access problems for elderly residents. A repair was needed to get the lift working again before a full refurbishment planned for next year.
3. The Tribunal directed the leaseholders to respond in writing by 3 November 2021 stating whether they consented to or opposed the application. The Tribunal has received only 2 response forms, which both agreed with the application.
4. The Tribunal also directed that the application was to be dealt with on the papers. Having reviewed the responses received, neither of which request an oral hearing, the Tribunal remains of the view that a determination on the papers is appropriate as no matters are in dispute.

Decision

5. In light of the urgency of getting the lift back into working order for the use of the residents, the Tribunal is satisfied that it is reasonable to dispense with all consultation requirements in respect of the lift repair works.
6. This decision is confined to the dispensation from the consultation requirements. The Tribunal has made no determination as to whether the costs of the works were reasonable. 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 be required.

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 by email to rpsouthern@justice.gov.uk.
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.