



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

Case reference	:	LON/00AM/LDC/2022/0011 P:Paperremote
Property	:	105 Pritchards Road London E2 9AW
Applicant	:	105 Pritchards Road RTM Company Limited
Respondent leaseholders	:	The leaseholders named on the schedule attached to the application
Type of application	:	To dispense with the consultation requirements under S.20 Landlord and Tenant Act 1985
Tribunal member(s)	:	Mrs E Flint FRICS Mrs L Crane MCIEH
Date and venue of determination	:	17 May 2022 Remote on the papers

DECISION

This has been a remote hearing on the papers which has been consented to by the Applicant and not objected to by the Respondent. A face to face hearing was not held because it was not practicable, no-one requested the same, and all the issues could be determined on the papers. The documents that we were referred to were in an electronic bundle of 63 pages, the contents of which we have recorded.

Decision of the tribunal

- (1) The Tribunal grants dispensation from all of the consultation requirements under S.20 of the Landlord and Tenant Act 1985 in relation to works to the lift as specified in detail below.
- (2) The question of reasonableness of the works or cost was not included in this application, the sole purpose of which is to seek dispensation.

The Background

1. The application under section 20ZA of the Landlord and Tenant Act 1985 (“the Act”) was made by Warwick Estates on behalf of the applicants on 13 January 2022.
2. The application concerned works to the lift to ensure it continued to work in a safe manner which were identified during an inspection on 5 January 2022.
3. Directions were issued on 23 March 2022 requiring the applicant to prepare bundles by 3 May 2022 to include statements
 - (i) Setting out the full grounds for the application, including all of the documents on which the landlord relies and copies of any replies from the tenants;
 - (ii) The Leaseholders were asked to confirm by 19 April 2022 whether or not they would give their consent to the application.
 - (iii) In the event that such agreement was not forthcoming the leaseholders were to state why they opposed the application; and provide copies of all documents to be relied upon.
4. Warwick Estates, on behalf of the applicant, confirmed on 29 April that they had not received any responses or objections to the application.
5. The Leaseholders were informed in the Directions issued by the Tribunal that the question of reasonableness of the works or cost was not included in this application, the sole purpose of which is to seek dispensation.

The Evidence

6. 105 Pritchard Road comprises a purpose built four storey block of fourteen flats with a communal lift.
7. The applicant stated that following an inspection on 5 January 2022 they were advised that urgent works were required to ensure the continued safe working of the lift. Instructions were given on 11 January to complete the following works “prop and tackle the lift car and counterweight and replace the main suspension ropes and governor rope, utilise existing rope terminations on the car and counterweight. Supply and fit din grips. The cost of the initial works, including scaffold and working platform was estimated at £3520 including VAT.
8. On 17 January the applicant was advised that further works were required to be completed and on 2 February the applicant contacted the tribunal and requested that further health and safety lift works be added to the application. The tribunal confirmed that the additional works had been added to the application on 10 February.
9. The additional works were: supply and fit new GSM unit with emergency back up in case of power failure, connect to existing lift emergency dialler, fit existing sim card and programme with numbers as required by client; this work was urgent because the emergency dialler did not dial out.
10. It was recommended that to improve the reliability and performance of the lift the lighting be upgraded to an energy saving system with emergency backup in case of power failure; supply and fit counterweight guide shoes; replace worn first floor door landing shoes; clean down entire lift installation including the lift shaft, paint the lift shaft floor, install oil drip trays to the guide rails, replace missing lift car guide rail oil lubricators and lubricate as required; supply and install a new overspeed governor tension pulley complete with an electrical cut out switch, test for correct operation on completion of the works.
11. To comply with Health and Safety regulations it was recommended that an Electrical Safety Device test be completed; replace broken control panel door hinges; upgrade shaft lighting system to include an emergency back-up; install two way switching from the lift pit and motor room; fit an earth bond and FB compliant padlock to control

panel door; replace missing trunk covers to pit area; supply and fit new lift car overload protection device; fit a slack rope switch to the governor pit pulley; blank off hole on 4th floor landing and supply various warning signs.

12. The applicant stated that it was able to obtain a 10% discount by having all the above items completed as one instruction. The cost of the work to be charged was £12,194.91 including VAT.
13. The works were completed in late January 2022

The Decision

14. The relevant test to be applied in an application for dispensation was set out by the Supreme Court in *Daejan Investments Ltd v Benson & Ors* [2013] UKSC 14 where it was held that the purpose of the section 20 consultation procedure was to protect tenants from paying for inappropriate works or paying an inappropriate amount. Dispensation should not result in prejudice to the tenant.
15. The Tribunal determines from the evidence before it that the works were necessary, the initial works together with the work to the non-functioning emergency dialler were required to be completed urgently, the remainder of the works were necessary for the long term proper functioning of the lift and that no prejudice to the lessees has been demonstrated or asserted.
16. On the evidence before it, and in these circumstances, the Tribunal considers that the application for dispensation be granted.

Name: Evelyn Flint

Date: 17 May 2022

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.