



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

Case Reference	: CHI/ 21UC/LDC/2023/0138
Property	: Avonmore, 24 Granville Road, Eastbourne, BN20 7HA
Applicant	: Avonmore Management Company (Eastbourne) Limited
Representative	: Prestige Property Management Ltd
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	: D Banfield FRICS, Regional Surveyor
Date of Decision	: 28 November 2023

DECISION

1. The Tribunal grants dispensation from the consultation requirements of S.20 Landlord and Tenant Act 1985 in respect of works comprising the replacement of two fans in the roof space.
2. In granting dispensation, the Tribunal makes no determination as to whether any service charge costs are reasonable or payable.
3. The Applicant must send copies of this determination to the lessees.

Background

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. This retrospective application was received on 2 November 2023.

2. The property is described as,

Avonmore is a purpose built residential block of 15 flats, over 7 floors (including the basement car park) constructed in the 1960's occupying a slightly sloping site in Granville Road, Eastbourne a residential area of the town.

Prestige Property Management (South) Ltd were appointed as managing agents for the property on 1st July 2023 by Avonmore Management Company (Eastbourne) Ltd Company number 00989238

3. The Applicant explains that,

Upon becoming managing agents for the property, we were immediately alerted by the Directors regarding the potential of a fire due to burnt out and faulty extractor fan capacitors located in the roof space. The building has six fans, located west, east and centre in the loft space. Three fans work constantly (24 hours) to reduce the temperature in the loft space, three are 'back up' fans. In case of failure the faulty fan is manually switched over to the relevant back up fan. Please note, all fans are of the same age.

Folowing [sic]the report of a strong burning smell, Temcon Ltd attended site. The extractor fan motor capacitor had caught alight and burnt out. The engineer enabled the back up fan. Unfortunately, the back up fan was observed to be extremely noisy and struggled to work. Temcon Ltd recommended both fans be replaced as a matter of urgency, therefore we made application to the FTT to commence the required work which has been completed. Case reference CHI/21UC/LDC/2023/0081

As all the fans are of the same age, we are concerned that more fans will fail, and cause a fire in the roof space, therefore we requested a full assessment visit. Temcon Ltd have reported two fans (from the remaing [sic]four) show no signs of wear. However, they reported two further loft extractor fans have become noisy, vibrate and are clearly sruggling [sic] to cope. Temcon Ltd have recommended the work is completed as a matter of urgency. We are concerned regarding the threat of fire, and the danger to all residents especially the penthouses on the top floor.

The required funds are in place to pay for the required work. All residents have been informed.

4. The Tribunal made Directions on 13 November 2023 which required the Applicant to send it to the Lessees together with a form for them to indicate to the Tribunal whether they agreed with or opposed the application and whether they requested an oral

hearing. If the Leaseholders agreed with the application or failed to return the form they would be removed as a Respondent although they would remain bound by the Tribunal's Decision.

5. One response was received agreeing to the application. No requests for an oral hearing were made and the matter is therefore determined on the papers in accordance with Rule 31 of the Tribunal's Procedural Rules.
6. Before making this determination, the papers received were examined to determine whether the issues remained capable of determination without an oral hearing and it was decided that they were, given that the application remained unchallenged.

Decision

7. On 3 August 2023 I granted dispensation from consultation for the replacement of 2 fans under reference CHI/21UC/LDC/2023/0081. This application is for 2 further fans, is on the same grounds and is similarly unopposed.
8. The Tribunal therefore grants dispensation from the consultation requirements of S.20 Landlord and Tenant Act 1985 in respect of works comprising the replacement of two fans in the roof space.
9. In granting dispensation, the Tribunal makes no determination as to whether any service charge costs are reasonable or payable.
10. The Applicant must send copies of this determination to the lessees.

D Banfield FRICS
28 November 2023

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 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.