



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

Case reference : **LON/00BK/LDC/2024/0119**
P:Paperremote

Property : **St James's House 88 St James
Street London SW1A 1PL**

Applicant : **Qube Leasehold Property
Management Limited**

**Respondent
leaseholders** : **The leaseholders named on 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**

**Date and venue of
determination** : **3 July 2024**
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 no-one requested the same, and all the issues could be determined on the papers. The documents that I was referred to were in a bundle of 77 pages, the contents of which I 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 the remedial work to the lift in the block of flats.
- (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 the Applicant on 12 April 2024.
2. The Applicant has applied for dispensation from the statutory consultation requirements under section 20 of the Landlord and Tenant Act 1985 and the Service Charges (Consultation Requirements) (England) Regulations 2003 in respect of works to the only lift in the building.
3. Directions were issued on 15 May 2024 requiring the applicant to prepare bundles 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 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. The Applicant confirmed that copies of the application, reasons for the application and the tribunal’s Directions were displayed in the main foyer on 24 May and copies emailed to all the leaseholders on 29 May 2024.
5. No objections were received from the leaseholders.
6. 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

7. The building comprises a purpose built block of eight apartments constructed 2014-2016 behind the original façade of the building which was constructed in 1904.
8. It was stated that the lift required remedial works to prevent its breakdown and ensure safe usage, particularly as some of the residents in the block are elderly. The repairs to the lift included the removal of redundant equipment and the installation of a new overspeed governor, uncontrolled movement equipment and overspeed governor ropes. Electrical modifications will be carried out to integrate the new equipment with the existing controller. The lift will be tested in accordance with SAFed guidelines to ensure functionality and safety.
9. The works had already commenced when the application was received as the daily lives of the residents would be severely impacted if the lift was out of order. However, no costs were provided within the application or the bundle.

The Decision

10. 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.
11. The Tribunal determines from the evidence before it that the works were necessary, were required to be completed urgently and that no prejudice to the lessees has been demonstrated or asserted.
12. On the evidence before it, and in these circumstances, the Tribunal considers that the application for dispensation be granted.

Name: Evelyn Flint

Date: 3 July 2024

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. The application should be made on Form RP PTA available at <https://www.gov.uk/government/publications/form-rp-pta-application-for-permission-to-appeal-a-decision-to-the-upper-tribunal-lands-chamber>
4. 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.
5. 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.