



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

**Case reference** : **LON/00AM/LDC/2024/0069**

**Property** : **232-280 Wrens Park House, London,  
E5 9LT**

**Applicant** : **London Borough of Hackney**

**Representative** : **Hackney Home Services  
(Ref: LIS6395)**

**Respondents** : **8 Leaseholders at 232-280 Wrens Park  
House**

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

**Tribunal member** : **Judge Robert Latham**

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

**Date of decision** : **29 July 2024**

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**DECISION**

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

## **The Application**

1. By an application, dated 14 February 2024, the Applicant (“Hackney”) applies for retrospective dispensation from the statutory duty to consult in respect of urgent electrical works to the lifts. The cost of the works will exceed the statutory threshold of £250 per flat.
2. 232 - 280 Wrens Park House is an adjoining residential building housing 18 residential units on ground to fourth floors constructed in the 1970s. The main communal entrance is via a secured intercom and fob key access door which opens into hallway housing the flat entrance doors, electric intake and service/riser cupboards, lift motor room and access lobby and alternative exit door to the rear of the building. The lift serving the block was repeatedly breaking down, with residents complaining on behalf of vulnerable tenants. The shutdown of this lift posed detrimental effects to users who had health conditions and added a significant amount of time to other people accessing the building. This was raised with Hackney’s lift contractors (Apex lifts). Following the general repairs carried out by lift engineers, it was established that specialists were required to renew certain parts of the lift. The lift contractors then called in a hydraulics specialist to assess this, to which they submitted the report for mandatory urgent repairs. Some of the description of works are shown as follows: (i) de pressurise the hydraulic system, remove the hydraulic oil from the tank unit and dispose; (ii) install the new motor and pump into the tank; (iii) fill the tank with new LG46 hydraulic oil and re-pressurise hydraulic system; (iv) service and overhaul a Bucher LRV valve unit and check for internal and external leaks; and (v) replace the parts as required.
3. On 14 February 2024, Hackney notified the leaseholders of the works that had commenced and were almost complete. The estimated cost of the works was £9,412.50. The leaseholders were informed of the estimated cost for which they would be liable.
4. On 20 May 2024, the Tribunal issued Directions. The Directions stated that the Tribunal would determine the application on the papers, unless any party requested an oral hearing. No party has done so.
5. By 3 June 2024, the Applicant was directed to send to the leaseholders by email, hand delivery or first-class post: (i) copies of the application form (excluding any list of respondents’ names and addresses) unless already sent by the applicant to the leaseholder/sublessee; (ii) if not already provided in the application, a brief statement to explain the reasons for the application; and (iii) the directions. The Applicant was further directed to display a copy of these in a prominent place in the common parts of the property. On 3 June, the Applicant confirmed that it had complied with this Direction. It has provided a copy of the letter which was sent to the leaseholders on 24 May.

6. By 24 June 2024, any leaseholder who opposed the application was directed to complete a Reply Form which was attached to the Directions and send 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 opposing the application. On 11 July, the Applicant confirmed that no objection had been received.
7. The Applicant has provided a Bundle of Documents (162 pages) in support of the application. It has also provided a copy of the lease for 237 Wrens Park House.
8. 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.”
9. **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.**
10. The Tribunal is satisfied that it is reasonable to grant retrospective 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.
11. The Directions make provision for the service of the Tribunal’s decision. The Tribunal will email a copy of its decision to the Applicant. The Applicant is responsible for serving a copy of the Tribunal’s decision on the Respondents.

**Judge Robert Latham**  
**29 July 2024**

### **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).