



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

Case reference : **LON/00BJ/LDC/22024/0098**

Property : **Prospect Quay, 98 Point Pleasant,
London SW18 1PR**

Applicant : **Prospect Quay Limited**

Representative : **JCF Property Management Ltd**

Respondent: **The leaseholders as per the application**

Representative : **N/A**

Type of application : **Section 20ZA of the Landlord and
Tenant Act 1985 – dispensation with
consultation**

Tribunal member : **Judge Tagliavini**

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

Date of decision : **17 September 2024**

DECISION

The tribunal's decision

1. The tribunal determines it is appropriate to grant the dispensation from the statutory consultation, sought by the applicant in respect of lift works to partially modernise the lift 3-16. These works will include replacing the control systems, hydraulics and electrical elements,
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The application

2. This is an application by the applicant landlord of the premises situate at **Prospect Quay, 98 Point Pleasant, London SW18 1PR** ('the property') seeking statutory dispensation from statutory consultation in respect of lift works to partially modernise the lift 3-16, which at the time of the application was said to be out of order. The works will include replacing the control systems, hydraulics and electrical elements, in order to deliver reliable lift service. The estimated cost of the works was not known but were said to almost certainly exceed the cost, that will require statutory consultation to be carried out pursuant to section 20 of the Landlord and Tenant Act 1985.
3. The application was said to be urgent because there are two residents in the building with very severe and ongoing mobility issues. The tribunal notes that a lift consultant company was instructed to go ahead with the works in March 2024.
4. The subject property is a purpose built block of flats and a few commercial units split over 6 blocks. Each block has a separate entrance. In addition there is an underground car park.
5. The applicant confirmed to the tribunal that the application for dispensation and the tribunal's directions were issued to the leaseholders and displayed within the communal areas at the said property. The applicant also informed the tribunal that:

We can confirm that no responses have been received from any of the leaseholders, in respect of the 20ZA as per the Landlord & Tenant Act 1985 for lift modernisation works.

The hearing

6. Neither party requested an oral hearing and the tribunal determined the application upon the documents provided by the applicant. The tribunal was provided with a digital bundle of 66 pages by the applicant on which it relied.

The tribunal's reasons

7. The tribunal had regard to the evidence relied upon by the applicant and the absence of any objection received from any of the lessees, identifying any prejudice that might be caused were dispensation from consultation to be granted. Further, as this application is in respect only of dispensation from consultation and does not deal with the respondents' liability to pay the costs of the works for which dispensation is sought, the tribunal considers it is, in all the circumstances, appropriate to grant the dispensation sought by the applicant pursuant to s.20ZA of the Landlord and Tenant Act 1985; *Daejan Investments Limited v Benson and others* [2011] EWCA Civ 38.

Name: Judge Tagliavini

Date: 17 September 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 to the First-tier Tribunal at the Regional Office which has been dealing with the case. 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>

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).