



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

Case reference : LON/00BK/LDC /2015/0114

Property : Harmont House 20 Harley Street
London W1G 9PH

Applicant : The Chancellor Masters and
Scholars of the University of
Cambridge

Representative : Howes Percival LLP

Respondent : Various Leaseholders as per the
Application

Representative : -

Type of application : To dispense with consultation
requirements under S.20 Landlord
and Tenant Act 1985

Tribunal member(s) : Mrs E Flint DMS FRICS

Date of decision : 18 November 2015

DECISION

Decisions 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 electrical works and asbestos removal in connection with these works.
- (2) The lessees 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.

Reasons for the Decision

- (3) The Tribunal determines from the evidence before it that the works to the electrical installation together with the associated asbestos works are urgent and necessary.

The Background

1. The application under section 20ZA of the Landlord and Tenant Act 1985 ("the Act") was made by Taylor Vinters LLP on behalf of the Applicants on 2 October 2015.
2. The application concerns dispensation in relation to emergency works in respect of the electrical installation; existing lighting and power circuits require immediate remedial action; asbestos removal within the ceiling void which is in a poor state of repair is necessary before the permanent works can take place. The works are as follows:
 - (i) Replacement of the main lighting and small power distribution board in the common areas including disconnecting and installing new light fittings on the staircases;
 - (ii) Installation of new temporary emergency LED lighting in the common areas;
 - (iii) Installation of new temporary small power sockets in the common areas;
 - (iv) Installation of new cbles throughout the lift lobby and corridor areas;
 - (v) Installation of 1 emergency test key switch on each staircase.

3. No consultation procedure in accordance with Section 20ZA(5) Landlord and Tenant Act 1985 has been commenced.
4. Details of two quotes had been obtained in the sums of £18,097.80 + VAT from IML Technical Services and £22,602.42 + VAT from Baldwin Electrical. It is proposed that IML will be used because the development comprises both Milford and Harmont House and the overall quote from IML for the development is cheaper. The applicant states that delay could cause danger of personal injury to the residents and other lawful occupiers; dispensation would allow the works to be carried out immediately. The applicant does not consider that the respondents will suffer any prejudice in these circumstances.
5. A specimen lease was provided. The Development means the two buildings known as Harmont House and Milford House (excluding the basement car park); the common parts are defined in relation to the development. The landlord covenants "*to maintain and keep in good and substantial repair and condition... electric cables and wires as may be enjoyed or used in common by all or any of the Flat tenants in the Development*". The costs are to be included in the service charge account which the tenant covenants to pay under clause 6.4 of the lease.
6. Directions in respect of the application were issued on 12 October 2015 and requested that any Respondent who opposed the application should notify the tribunal no later than 30 October 2015 and send to the landlord a statement in response to the application and any documents upon which they wish to rely.
7. No responses were received either supporting or opposing the application for dispensation.
8. The Tribunal is satisfied that the Respondents do not oppose the application, that they have been given sufficient time to make their views known: and no evidence has been provided to demonstrate that these works were not urgent or that full consultation should be undertaken.
9. On the evidence before it, and in these circumstances, the Tribunal considers that it is entitled to determine that the Respondents did not oppose the application for dispensation

Name: Evelyn Flint

Date: 18 November 2015