



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

Case Reference : **LON/00AM/LDC/2017/0052**

Property : **Sheldon House, 1 Baltic Place,
London N1 5AQ**

Applicant : **Ground Rents (Regis) Limited**

Representative : **Parkfords Management**

Respondents : **The 14 Long Lessees of flats within
the Property**

Representative : **None**

Type of Application : **S27ZA Landlord and Tenant Act
1985 – dispensation with
consultation requirements**

Tribunal Members : **Judge John Hewitt
Ms Marina Krisko BSc (EstMan)
FRICS**

Date of Decision : **21 June 2017**

DECISION

Decision of the tribunal

1. The tribunal determines that the obligation of the applicant to comply with any further requirements for consultation imposed by section 20 of the Act in respect of works proposed to be carried to replace the main suspension ropes and sheave to the lift in the Property (the Proposed Works) shall be dispensed with.
2. The reasons for our decisions are set out below.

Background

3. On 11 May 2017 the tribunal received an application pursuant to S27ZA of the Act with regard to the Works. It was said that the lift was currently unusable and its non-availability was adversely affecting the health of some residents.
4. Evidently the Property comprises 14 flats laid out over five floors in a mixed-use scheme where the commercial units have a separate lift access. The residential leases appear to have been granted in or about 2008.
5. Directions were given on 15 May 2017. The parties were notified that proposed to determine the application on the papers without an oral hearing unless a party requested an oral hearing. The tribunal has not received any such request.
6. The directions required the applicant to serve copies of the application form, the directions and other documents on each of the respondents and to display copies in the Property. By letter dated 18 May 2017 the applicant's managing agents confirmed that those directions had been complied with.
7. The tribunal has not received any reply forms from long lessees opposing the application.
8. By letter dated 10 June 2017 the tribunal has received from the applicant's managing agents a copy of an undated letter from Emerald Elevators referring to a recent quotation in respect of the Proposed Works, the total cost of which is put at £5,399.25 + VAT. Neither the specification describing the Proposed Works nor the 'recent quotation' referred to have been provided to the tribunal.

Also enclosed with that letter were copies of email from four separate respondents commenting on practical difficulties arising from the non-availability of the lift. One of those correspondents (Sheen Yap & Tracey Lee-Joe) comment that they believe the lift to be under 10 years old and raise the query whether the Proposed Works might be the subject of a warrant claim from the manufacturer/installer/developer. The managing agents have not commented upon this observation in the covering letter but it is something they will need to investigate because

(at some future) time it may be held that it was unreasonable to incur the costs of repair if a warranty claim was not actively pursued.

Reasons

9. The starting point is that a landlord must comply with the consultation requirements of S20 of the Act and the regulations issued pursuant to that section. S20ZA of the Act empowers the tribunal to make a determination to dispense with all or any of those requirements of it considers it is reasonable to do so.
10. Given the practical difficulties encountered by some residents due to the non-availability of the lift and in the absence of any objections by any respondent and given the relative modest costs that may be incurred we find that it is reasonable to dispense with any further compliance with the consultation requirements in relation to the Proposed Works. We recognise that it is reasonable that the lift service should be resumed as soon as practicable.
11. In arriving at this decision we make it clear that we do not make any determination as to whether it is reasonable to incur the cost of the Proposed Works, or whether the scope of the Proposed Works is reasonable or whether the anticipated costs of the Proposed Works is reasonable and these are all matters which a respondent is free to challenge in due course if it is considered appropriate to do so.

Judge John Hewitt
21 June 2017.