



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

| | | |
|--------------------------------------|---|--|
| Case Reference | : | LON/00AP/LDC/2018/0085 |
| Property | : | Andrula Court, 593-599 Lordship Lane, Wood Green, London, N22 5LJ |
| Applicant | : | Silverstates Limited |
| Respondents | : | The 33 long leaseholders of Andrula Court whose names are attached to this decision |
| Type of Application | : | Dispensation with Consultation Requirements under section 20ZA Landlord and Tenant Act 1985. |
| Tribunal Members | : | Judge Robert Latham Mr Charles Norman FRICS |
| Date and venue of Hearing | : | 6 June 2018 at 10 Alfred Place, London WC1E 7LR |
| Date of Decision | : | 13 June 2018 |

DECISION

The Tribunal grants this application to dispense unconditionally with the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985.

Reasons

1. By an application made on 3 May 2018, the Applicant seeks dispensation with the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985 ("the Act") in respect of the works described below. The Applicant stated that it was content for the application to be dealt with on the papers. No Respondent has requested an oral hearing.
2. Andrula Court is a purpose built block with 32 flats in Lordship Lane, Wood Green. The landlord seeks dispensation from the requirements to consult the tenants in respect of proposed works to install gates and metal railings in order to change the building entrance into a private area accessible only by the tenants or their visitors. The Applicant states that the building was previously gated, but this was eventually removed because it was in a state of severe disrepair. The Applicant states that there are ongoing serious nuisance problems including misuse of the area by drug users who leave their paraphernalia as a result of which children are at risk. The proposed works are supported by the 33 lessees. A number of documents attached to the application form confirm this. The estimated costs of the works is £14,450.
3. On 9 May, the Tribunal gave Directions and allocated the case for a paper determination. The landlord was directed to (i) send each of the tenants either by hand or first class post copies of the application and the Directions; and (ii) display a copy of these documents in a prominent position in the common parts of the property. The landlord was directed to immediately confirm to the Tribunal that it had done this.
4. On 10 May, the landlord confirmed that it had sent a copy of the application form to each of the tenants and displayed copy on the communal areas by the entrance staircase. On 6 June, the landlord confirmed that it had also sent out a copy of the Directions with the application form to each tenant.
5. By 23 May, any tenant who opposed the application was directed to complete a form attached to the Directions which was to be returned to the Tribunal. Any such tenant was further directed to send the landlord a statement in response to the application with copies of any documents upon which they intended to rely. No tenant has returned the requisite form to the Tribunal opposing the application.
6. My 30 May, the landlord was directed to send the Tribunal (and any tenant who opposed the application) a Bundle of Documents. On 6 June, the landlord sent the Tribunal a Bundle of Documents which was received on 7 June.

7. 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.”

8. 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.
9. The Tribunal is satisfied that it is reasonable to grant dispensation from the consultation requirements. This is justified by the urgent need for the works in the interests of the safety of the tenants, their visitors and their children. Were the landlord to embark on the next round of the statutory consultation procedures, it would merely delay the works. There is no suggestion that any prejudice would arise were dispensation to be granted. In the circumstances, it is appropriate to grant dispensation without any conditions.
10. The Applicant is directed to send a copy of this decision by first class mail to each of the tenants and to display a copy in the communal area by any entrance staircase.

Judge Robert Latham
13 June 2018

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.

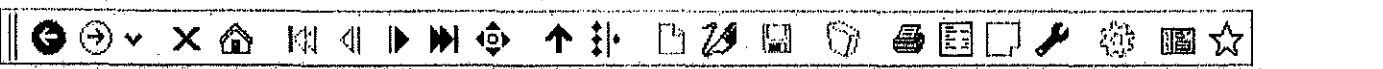
If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.

The application 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).



Summary User info Lease Info Outgoings Values Diary Notes Fund Expenditure

Owner: Silverstates Ltd
 Property: Andrula Court 344

| Reference | Name | |
|-------------|--|---------------------------|
| 344/001/001 | Miss Liping Du | Flat 1, Andrula Court, 59 |
| 344/001/002 | Mr K Kyriacou | Flat 2, Andrula Court, 59 |
| 344/001/003 | Philomena Bergin | The Arc, Armsworth Lane |
| 344/001/004 | Goldenkey Properties Limited | Flat 4, Andrula Court, 59 |
| 344/001/005 | Mr I A Johnson & Mrs J P Johnson | Flat 5, Andrula Court, 59 |
| 344/001/006 | Mr Nikhil K Masurkar & Mrs Anjula Masurkar | Flat 6, Andrula Court, 59 |
| 344/001/007 | Mr U & Mrs N Ihesiene | Flat 7, Andrula Court, 59 |
| 344/001/008 | Mr. P. Gannon & Mrs. G. Gannon | Flat 8, Andrula Court, 59 |
| 344/001/009 | Beechdown Limited | Flat 9, Andrula Court, 59 |
| 344/001/010 | Beechdown Limited | Flat 10, Andrula Court, 5 |
| 344/001/011 | Mrs V Morgan | Flat 11, Andrula Court, 5 |
| 344/001/012 | Mr Martin F Flanagan | Flat 12, Andrula Court, 5 |
| 344/001/014 | Ms Georgie Russell | Flat 14, Andrula Court, 5 |
| 344/001/015 | Mr. G. P. Smallcombe | Flat 15, Andrula Court, 5 |
| 344/001/016 | Mr Michael McGarvey | Flat 16, Andrula Court, 5 |
| 344/001/017 | Mr Trevor Malcolm | Flat 17, Andrula Court, 5 |
| 344/001/018 | Augustin Canali & Antony Canali | Flat 18, Andrula Court, 5 |
| 344/001/019 | Vitonpine Properties Limited | Flat 19, Andrula Court, 5 |
| 344/001/020 | Mr D. F. Chawdhry | Flat 20, Andrula Court, 5 |
| 344/001/021 | Golden Key Properties | Flat 21, Andrula Court, 5 |
| 344/001/022 | Ms. V. Ross | Flat 22, Andrula Court, 5 |
| 344/001/023 | Mr Harrish Parmar | 10 Priscilla Close, Conwa |
| 344/001/024 | Wood Green Animal Shelters | Flat 24, Andrula Court, 5 |
| 344/001/025 | Mr Tarik Sherkerzade | Flat 25, Andrula Court, 5 |
| 344/001/026 | Ms Ewa B Ostrowski | Flat 26, Andrula Court, 5 |
| 344/001/027 | Neil O'Shea | Flat 27, Andrula Court, 5 |
| 344/001/028 | Mr Mostakin Miah | Flat 28, Andrula Court, 5 |
| 344/001/029 | Mr Martin F Flanagan | Flat 29, Andrula Court, 5 |
| 344/001/030 | Criterion Electrix Limited | Flat 30, Andrula Court, 5 |
| 344/001/031 | D R Beech | Flat 31, Andrula Court, 5 |
| 344/001/032 | Mrs Jean Bicknell | Flat 32, Andrula Court, 5 |
| 344/001/033 | Mr Alan J Hares | Flat 33, Andrula Court, 5 |