



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

**Case Reference** : LON/00AU/LDC/2015/0069

**Property** : 22-25 Bartholomew Square,  
London, EC1V 3QT

**Applicant** : 24 Bartholomew Square Limited

**Representative** : Chamonix Estates Ltd

**Respondents** : (See Schedule attached to these  
Reasons)

**Representative** :

**Type of Application** : To dispense with the statutory  
consultation requirements

**Tribunal Members** : Mrs H Bowers, MRICS

**Date and venue of  
Consideration** : 14<sup>th</sup> July 2015, 10 Alfred Place,  
London WC1E 7LR

**Date of Decision** : 14<sup>th</sup> July 2015

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**DECISION**

The Tribunal grants the application for dispensation from further statutory consultation in respect of the subject works, namely the lift motor repairs.

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## REASONS

### The Application

1. The Applicant seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 ("the Act") dispensing with statutory consultation in respect of major works.
2. 22-25 Bartholomew Square, London, EC1V 3QT (the subject property) is described as having thirteen flats situated above three retail units. It is a purpose built development.
3. The application was dated 10<sup>th</sup> June 2015. Directions were issued by the Tribunal on 11<sup>th</sup> June 2015 and these were subsequently amended. The amended Directions listed the matter for a paper determination for the week commencing 13<sup>th</sup> July 2015. The application seeks dispensation in respect of lift motor repairs. These works are described as the subject works for the purpose of this decision.
4. A single bundle was prepared and provided on behalf of the Applicant. There were no separate submissions from any of the Respondents.

### Applicant's Case:

5. It was explained that on 28<sup>th</sup> April 2015, Kone PLC were called out to attend the lift. The inspection identified that the lift motor required replacing and Kone initially quoted £6,629.15, including VAT for the work.
6. Alternative quotations were obtained, including a quotation from Guideline Lift Services Limited. This quotation was dated 1<sup>st</sup> June 2015 and was for a sum of £3,150, including VAT.
7. It is stated that numerous leaseholders have expressed an urgent wish to have the work carried out as soon as possible. Twelve of the leaseholders are shareholders in the Applicant landlord company and the director of the Applicant company has given approval for the work. The one leaseholder who is not a shareholder of the Applicant company has also requested that the works are carried out urgently.
8. The managing agents, Chamonix Estates Ltd, have discussed the quotations with the leaseholders. The general consensus is for the work to proceed with the lowest quotation and to be completed as soon as possible.
9. The works are regarded as urgent as there is no access from the ground floor due to the location of the retail units. The leaseholders are unhappy to use the stairs due to personal and disability reasons.

### Respondents' Case:

10. None of the Respondents provided any evidence or submissions in response to the current application.

### **Determination**

11. Section 20ZA(1) of the Act provides:

*“Where an application is made to a leasehold valuation 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.”*

12. The Tribunal has taken account the decision in *Daejan Investments Ltd v Benson and others* [2013] UKSC 14.

13. There has been no engagement from any Respondent in respect of the application that would suggest that the works are not necessary and/or ought to have been the subject of full statutory consultation.

14. There is sufficient evidence before the Tribunal that the subject works are of an urgent nature. It is stated that there are disabled individuals in the building and the defective lift is causing access problems. Given those circumstances it is prudent for the Applicant to contract for the works without any further consultation. The Tribunal is satisfied that delaying the works for a further consultation would be undesirable. No evidence has been put forward of prejudice to the tenants or other grounds on which the Tribunal ought to consider refusing the application or granting it on terms.

15. In all the circumstances the Tribunal grants the application for dispensation from statutory consultation in respect of the subject works, considering it reasonable to do so. For clarity the works are the lift motor repairs.

16. This decision does not affect the Tribunal’s jurisdiction upon any application to make a determination under section 27A of the Act in respect of the reasonable cost of the work.



**Name:** H C Bowers

**Date:** 14<sup>th</sup> July 2015

## **SCHEDULE**

Mr J King & Ms F Dayan (Flat 1)

Mr K Whitwell (Flat 2)

B & H & K Jassal (Flat 3)

B & H & K Jassal (Flat 4)

Mr & Mrs A Martin (Flat 5)

Miss M Mahtani (Flat 6)

Mr G Young (Flat 7)

Mr M Sheridan & Ms P C Vives (Flat 8)

Ms R S Kasaven (Flat 9)

Mr A Kutty-Vergis (Flat 10)

Mrs S P Savory (Flat 11)

Mr S Weiss (Flat 12)

Mr M S Eyles (Flat 13)