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

**Case reference** : LON/00AY/LDC /2015/0118

**Property** : Macaulay Court Macaulay Road  
London SW4 0QU

**Applicant** : Macaulay Court RTM Company Ltd

**Representative** : Rendall and Rittner

**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

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**DECISION**

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### **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 the replacement of the main hoisting machine to enable the lift to be put back into service.
- (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**

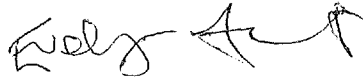
- (3) The Tribunal determines from the evidence before it that the works to the lift are urgent and necessary.

### **The Background**

1. The application under section 20ZA of the Landlord and Tenant Act 1985 ("the Act") was made by the managing agents on behalf of the Applicants on 9 October 2015.
2. The application concerns dispensation in relation to emergency works to restore the lift to working order. Macaulay Court is a four storey block of 49 residential units, including a porter's flat, built in the 1920s. There is only one lift in the block. Many residents have babies and young children and an 83 year old lady who lives on the fourth floor has difficulty using the stairs. The usual lift maintenance company and an independent lift consultant have both confirmed that the lift cannot be put back into service until the hoisting machine is replaced. The order time for the parts is estimated at four weeks with a further week required for installation.
3. Section 20 Notices were served on 27 August 2015 in respect of supplying and installing a new Sassi MF48 hoisting unit and hoisting ropes.
4. A specimen lease was provided. The service charge provisions included "*The cost of providing a lift service in the Buildings and the cost of periodical inspection repair replacement and insurance of all lifts*" .....
5. Directions in respect of the application were issued on 19 October 2015 and requested that any Respondent who opposed the application should notify the tribunal no later than 5 November 2015 and send to the landlord a statement in response to the application and any

documents upon which they wish to rely. The Directions further stated that the tribunal would be entitled to assume that those tenants who did not respond to the directions agree with the application.

6. Responses were received from seventeen leaseholders agreeing to waive their consultation rights conferred by Section 20 landlord and Tenant Act 1985. There were no responses opposing the application for dispensation.
7. 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.
8. 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