

12344



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

Case Reference : CHI/00HN/LDC/2017/0032

Property : 13 Gladstone Road West, Boscombe,
Bournemouth BH1 4HZ

Applicant : Southern Land Securities

Representative : Together Property Management

Respondents : Mr and Mrs Drake (Flat A)
Mr Tai Tak Cheung (Flat B)
Mr and Mrs Thorburn (Flat C)

Representative : -

Type of Application : Dispensation with consultation
requirements – section 20ZA Landlord and
Tenant Act 1985

Tribunal Member(s) : Judge E Morrison

**Date and Venue of
Hearing** : Determination on papers

Date of Decision : 10 July 2017

DECISION

The Application

1. This is an application for dispensation from the consultation requirements provided for in section 20 Landlord and Tenant Act 1985.
2. The application explains that external repairs and redecorations were carried out in 2016. The consultation requirements under section 20 were followed and the contract for the works was awarded to Howards BRC (Building Refurbishment Company). However the invoices received were from Howards BRC (Building Restoration Company) Ltd. The Applicant therefore seeks dispensation insofar as the costs are owed to a company with a different name to that consulted upon.
3. The application was made on 16 May 2017 and, together with the Directions dated 30 May 2017, was served on the three leaseholders by the Tribunal.
4. The Tribunal directed the leaseholders to indicate in writing by 13 June 2017 whether they consented to or opposed the application. All three provided written confirmation that they supported the application. The lessee of Flat B indicated he would send in further written representations, due by 27 June 2017, but nothing further has been received.
5. The Tribunal also directed that the application was to be dealt with on the papers unless a party requested an oral hearing within 28 days of receipt of the directions. The Tribunal received no request for an oral hearing.
6. The application constitutes the Applicant's statement of case. No additional documents have been provided to the Tribunal.

Decision

7. It is unclear whether the contractor simply changed its corporate name, or whether a different legal entity from the one that originally tendered carried out the works. If the former is the case, this application was unnecessary. If the latter is the case, there is no evidence that this change has caused any prejudice whatsoever to the leaseholders. The cost of the works remained the same, and there is no evidence that it had any other practical effect on the extent or standard of the work carried out.
8. The Tribunal is therefore satisfied that it is reasonable to dispense with all consultation requirements in respect of the external repairs and redecoration works carried out by Howards BRC (Building Restoration Company) Ltd in 2016, insofar as those works had already been covered by the earlier section 20 consultation.

9. This decision is confined to the dispensation from the consultation requirements. The Tribunal has made no determination as to whether the costs of the works were reasonable. If a leaseholder wishes to challenge the reasonableness of those costs, then a separate application under section 27A of the Landlord and Tenant Act 1985 would be required.

Dated: 10 July 2017

RIGHTS OF APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28 day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking