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

**Case Reference** : **LON/00BE/LAM/2014/0111**

**Property** : **Various Properties in Southwark  
(Tyres, White, Kiplin, Crosby,  
Lockyer, Lawson, Elim, Meakin &  
Cluny Estate, Hamilton Square.**

**Applicant** : **London Borough of Southwark**

**Representative** : **Leathermarket Joint Management  
Board**

**Respondent** : **Various Leaseholders**

**Representative** :

**Type of Application** : **Application for Dispensation from  
the Requirements to Consult under  
S.20 of the Landlord & Tenant Act  
1985**

**Tribunal Members** : **Aileen Hamilton-Farey**

**Date of Decision** : **22 December 2014**

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**DECISION**

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**Decision of the Tribunal**

- (1) The Tribunal grants Dispensation from the requirements to consult under S.20 of the Landlord & Tenant Act 1985 in relation to a qualifying long term agreement in relation to responsive repairs and maintenance

and an out-of-hours repairs and maintenance service with Messrs Elkins Limited.

- (2) The contract will commence on expiry of the existing contract on 31 March 2015 and will continue for a period of five years.

**Background and Reasons for the Decision:**

- (3) On 2 September 2014 the Leathermarket Joint Management Board ("LJMB") on behalf of the leaseholders and tenants of the properties identified above, applied to the tribunal for dispensation from the requirements to consult under S.20 of the Landlord & Tenant Act 1985.
- (4) LJMB informed the tribunal that their own in-house repairs team carried out approximately 75% of responsive repairs with the remainder being undertaken by Elkins Limited. Having monitored the performance of Elkins for the five years of the current contract, they were satisfied that the standard of work produced was good and the charging for that work was accurate and reasonable. LJMB therefore wished to extend this contract for a further five years when it terminated in 2015.
- (5) Directions were issued by the tribunal on 16 September 2014 and subsequently revised on 23 October 2014. These required that LJMB send a copy of those Directions to each of the residents and to publicise them on the notice boards. LJMB has confirmed that it did so and received only 1 response, which supported the application.
- (6) Also Direction 8 of the Directions dated 23 October 2014 informed the respondent tenants and leaseholders that if they did not oppose the application they need take no further action; and the tribunal would be entitled to determine from any of the parties who did not respond that they supported the application.
- (7) The tribunal has not received any response from the tenants or leaseholders opposing the application, and therefore considers that the application has a large level of support and that dispensation from the requirements to consult should be granted.
- (8) The tribunal therefore grants dispensation from all of the consultation requirements imposed by S.20 of the Landlord & Tenant Act 1985 in relation to the repairs and maintenance/out-of-hours contract with Messrs Elkins Limited for a period of five years commencing on 1 April 2015.

Aileen Hamilton-Farey