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

Case Reference : LON/00BK/LDC/2013/0002

Property : 27 Bolton Street, London W1J 8BW.

Applicant : 27 Bolton Street

Representative : Peverel Property Management

Respondent : Various Lessees

Representative : None known

Type of Application : Application for Dispensation under S.20ZA Landlord & Tenant Act 1985.

Tribunal Members : Miss. A. Hamilton-Farey LLB, FRICS, FCI Arb

Date of Decision : 18 February 2014.

DECISION

Decisions of the Tribunal

- (1) The Tribunal grants dispensation from the requirements to consult lessees in relation to emergency lift part replacements.

- (2) The Tribunal makes no determination on whether or not the works if carried out, will be of a reasonable standard or undertaken at a reasonable cost.

Reasons for the Decision:

- (3) The Tribunal received the application in relation to these works on 8 January 2014, and Directions were issued on 15 January. These required, amongst other things, that the lessees respond to the application stating whether or not they supported the landlord's case that full consultation should not be undertaken due to the urgency of the works.
- (4) The Tribunal has not received any responses and is entitled therefore to interpret this to mean that the lessees support the application for full dispensation.
- (5) On this basis and on the evidence before it, the Tribunal considers that full dispensation from the requirements to consult should be granted.

Background to the Application:

- (6) The application concerned the replacement of a control panel to the passenger lift in the property. The agents provided the history of the installation, and informed the Tribunal via a statement of the property manager, Kirsty Taylor, that the lift had first broken down in November 2013. It was restored to order shortly thereafter, but continued to work intermittently until 23 November when it stoppe4d working altogether. Engineers were able to undertake temporary works to restore it working order again, but on 30 November it broke down again, and was fixed on or around 3 December.
- (7) On 13 December the lift stopped working and engineers informed the landlords that they could not repair it without replacing the control panel.
- (8) Elevation Lift Services Ltd provided a quotation and independent advice was sought from J. Beckwith lift Consultancy Limited, as to the best options available to ensure that the installation continued to work in a satisfactory manner. A further quotation was obtained from Kone Plc, with that from Elevation being the better value for money.
- (9) Residents had already been informed of the quotations and the difficulties encountered with repairs.

- (10) The agents suggest that the impact on residents is severe. The property has basement, ground and five upper floors, and without a working lift, the use of the stairs would be impractical for any length of time to some residents if full consultation were to be undertaken, but that in any event limited consultation has been undertaken.
- (11) The Tribunal considers that dispensation from the remaining requirements would be reasonable in these circumstances.

Aileen Hamilton-Farey