



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

Case Reference : LON/00AL/LDC/2015/0124

Property : 91 Blackheath Hill, Greenwich,
London SE10 8TJ.

Applicant : BPT Limited

Representative : Town & City Management Limited

Respondent : Mr. Sheppard.

Representative : In person

Type of Application : For dispensation from the
consultation requirements under
S.20 Landlord & Tenant Act 1985.

Tribunal Members : Ms. A. Hamilton-Farey

Date of Decision : 29 December 2015

DECISION

Decisions of the Tribunal

1. The tribunal exercises its discretion, and grants dispensation from the requirements to consult under S.20 of the Landlord & Tenant Act 1985.

Background

1. This is an application under section 20ZA of the Landlord & Tenant Act 1985 (the Act) on behalf of the Landlord for dispensation from the requirements to consult under S.20 of the Act and in relation to urgent works that were required to repair cracks to the chimney stack at the property. It is said that the crack was allowing water to penetrate into the respondent, Mr. Sheppard's flat.
2. The tribunal issued directions in this matter on 2 November that originally were made to bring this matter to a determination on 23 November. The applicants did not provide a bundle of documents and the tribunal then issued a Notice of Strike Out due to non-compliance with Directions.
3. The applicants contacted the tribunal to ask that the matter not be struck-out and supplied their bundle, which has now been considered.
4. The tribunal has not heard anything from the respondent who was informed in the directions that he should reply only if he opposed the application. The tribunal is therefore entitled to conclude that Mr. Sheppard does not oppose the application.
5. In the circumstances, the applicants have applied for dispensation in relation to urgent works, this has not been disputed by the respondent, and it is therefore reasonable for the tribunal to dispense with the requirements to consult in this instance.

Tribunal: Aileen Hamilton-Farey

Date: 29 December 2015.

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.

The application for permission to appeal must arrive at the regional office within 28 days after the tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.