



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

**Case reference** : **LON/00AE/LDC/2018/0057**

**Property** : **Wembley Park – Block N,  
Wellspring Crescent, Wembley,  
Middlesex HA9 9UY**

**Applicant** : **Wembley Park Management  
Company Limited**

**Respondents** : **The leaseholders of the Property as  
per the application**

**Type of application** : **To dispense with the requirement  
to consult leaseholders about  
major works**

**Tribunal member** : **Judge P Korn**

**Date of decision** : **2<sup>nd</sup> May 2018**

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**DECISION**

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13. In principle, I accept that the health & safety / fire risk identified by the Applicant represents a good reason for treating the works as urgent, and on the basis of the evidence provided I am satisfied that the works are indeed urgent.
14. As regards the steps taken by the Applicant to comply with the consultation requirements to the extent reasonably possible, the statement of case does not clarify what steps have actually been taken, but the original application at least indicates an **intention** to carry out such consultation as is reasonably possible in the circumstances. In the absence of any objections having been received from any of the Respondents, it is appropriate, in my view, to work on the assumption that this limited consultation has indeed taken place.
15. As regards the tribunal's directions, the tribunal did not receive immediate confirmation from the Applicant that it had complied with paragraph 5 of those directions. However, as part of its statement of case the Applicant states that the directions (as a whole) have been complied with, which is sufficient in the circumstances of this case.
16. To summarise, I am satisfied that the works are urgent and I am satisfied on balance that the Applicant has carried out such limited consultation as will have been reasonably possible in the circumstances. In addition, and importantly, none of the Respondents has opposed the application or made any other representations. There is also no evidence before us that any of the Respondents has been prejudiced by the failure to consult fully.
17. Therefore, I am satisfied that it is reasonable to dispense with the formal consultation requirements in respect of the qualifying works which are the subject of this application to the extent that those requirements have not already been complied with.
18. For the avoidance of doubt, this determination is confined to the issue of consultation and does not constitute a decision on the reasonableness of the cost of the works.

**Name:** Judge P Korn

**Date:** 2<sup>nd</sup> May 2018

## RIGHTS OF APPEAL

- A. If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber) a written application for permission must be made to the First-tier Tribunal at the regional office dealing with the case.
- B. 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.
- C. If the application is not made within the 28 day time limit, such application must include a request for extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then look at such reason and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.
- D. 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.