

13004



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

Case Reference : **LON/00AK/LDC/2018/0191**

Property : **Flats 95, 97, 99, 101, 103, 105, 107,
109, 111 and 113 Lopen Road,
London N18 1PT**

Applicant : **Marshlease Limited**

Representative : **N/A**

Respondents : **Various lessees**

Representative : **N/A**

Types of Application : **Section 20ZA**

Tribunal Members : **Judge Tagliavini**

**Date and venue of
determination (paper)** : **20 December 2018
10 Alfred Place, London WC1E 7LR**

Date of Decision : **20 December 2018**

DECISION

THE TRIBUNAL DECIDES:

- I. The tribunal grants the Applicant landlord dispensation pursuant to section 20ZA of the Landlord and Tenant Act 1985 from the consultation requirements of that Act in respect of works to the electrical wiring at premises situate at 95, 97, 99, 101, 103, 105, 107, 109, 111 and 113 Lopen Road, London N18 1PT.**
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The application

1. This is an application made by the Applicant landlord of the subject premises situate at 95, 97, 99, 101, 103, 105, 107, 111 and 113 Lopen Road, London N18 1PT. This a purpose built block of ten flats with communal areas. The landlord seek the tribunal's dispensation pursuant to section 20ZA of the Landlord and Tenant Act 1985 from consultation with the lessees in order to carry our urgent works of repair/maintenance to the electrical circuits serving the flats.

The background

2. A sample lease dated 30 November 1965 made between Christopher Arthur Pilgrim and Kenneth William Handley in which the landlord's obligations were set out.

The Applicant's evidence

3. In support of the application, the landlord provided the tribunal with a number of emails detailing the discovery of the fault and subsequent actions taken. On 5 April 2018, the landlord was notified by one of the affected lessees that there was a problem with the earth reading to the property as it was higher than permitted and a potential source of danger/fire. A subsequent inspection by electricians commissioned by the landlord (Manfield Property Solutions) in around June 2018 confirmed that the Earth readings were high and work was required to rectify this problem involving running an earth cable from each of the flats to the main cupboard under the stairs. An outline of the works required were likely to cost £510 per flat was provided to the landlord in December 2018 subject to access being granted.

The tribunal's determination and reasons

4. The tribunal notes that in accordance with the tribunal's directions dated 30 November 2018, the landlord notified the lessees of this application and they were provided with an opportunity to notify the tribunal of their opposition to it. Neither the landlord or the tribunal

have received any notification from any of the lessees notifying them of any opposition or agreement to the application.

5. As neither party requested an oral hearing the tribunal determined this application on the documents provided. The tribunal accepts that in light of the nature of the fault identified with the electrical wiring to the flats, the works required to remedy this fault is of an urgent nature. Although the tribunal finds that this urgency has not necessarily been reflected in the time taken by the landlord to make this application, despite being made aware in April 2018 of the nature of the problem.
6. Nevertheless, as none of the lessees have objected to this application, and no prejudice has been identified that might be caused to them by dispensation of consultation procedures, the tribunal determines that it is reasonable and appropriate to grant the dispensation sought by the Applicant.

Signed: Judge Tagliavini

Dated: 20. December 2018