



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

Case reference : **LON/00AM/LDC/2018/0015**

Property : **91-99 Pentonville Road, London N1
9LS**

Applicant : **91-99 Pentonville Road (Freehold)
Ltd**

Representative : **Rendall and Ritner Ltd**

Respondents : **Various**

Representative :

Type of application : **For the dispensation of the
consultation requirements**

Tribunal member(s) : **Judge S Brilliant**

Venue of hearing : **10 Alfred Place, London WC1E 7LR**

Date of decision : **20 February 2018**

DECISION

Decisions of the tribunal

The tribunal determines that the applicant has permission to dispense with the consultation requirements in respect of the works to the lift in Block 91, 91-99 Pentonville Road, London N1 9LS ("Block 91"), to include a new controller and door operator.

The application

1. The applicant seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 to dispense with the consultation requirements in respect of the works to the lift in Block 91, including a new controller and door operator.

Background

2. The premises consist of 35 flats in two blocks, one of which is Block 91. Each block has its own single lift. The blocks are five storeys high with a penthouse on top.
3. In November 2017, the single lift in Block 91 broke down. It could not be put back into service. The lift surveyor, Cook and Associates, confirmed that a new controller and door operator were required as a matter of urgency. New parts are needed; repairs are no longer an option. One resident has asthma and when climbing the stairs had to use an inhaler to relieve the tightness in his chest.
4. The applicant contacted the long lessees, and 31 sent email confirmation that they were in agreement with the proposed works.

Directions

5. On 18 January 2018, the applicant was directed to send to each of the long lessees by hand delivery or first class post copies of the application form and the direction, and to display a copy of the same documents in a prominent position in the common parts of the property.
6. On 25 January 2018, Rendall and Ritner Ltd confirmed it had complied with the directions.

The works

7. The cost of the new controller is £14,850 plus VAT. The cost of the new door operator is £3,975.00 plus VAT.

Decision

8. The works to be carried out are qualifying works. In view of the urgent need for residents in Block 91 to have the use of a lift, I consider it appropriate to dispense with the consultation requirements in this case.
9. This decision does not relate to the quality of the work carried out or the reasonableness of the cost.

Name: Simon Brilliant

Date: 20 February 2018

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.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).