



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

Case Reference : CHI/ 00HN/LDC/2019/0060

Property : 7 Lakeside Road, Poole Dorset BH13 6LR

Applicant : Fulbrook Heights Freehold Limited

Representative : Castleford Management Company

Respondents : Mr and Mrs Campbell (Flat 1)
Mr and Mrs Wood (Flat 2)
Mr and Mrs Weldon (Flat 3)
Dr Susan Berryman (Flat 4)
Mr and Mrs Pringle (Flat 5)
Mr and Mrs Dale (Flat 6)

Representative : -

Type of Application : To dispense with the requirement to
consult lessees about major works

Tribunal Member(s) : Judge Tildesley OBE

**Date and Venue of
Hearing** : Determination on Papers

Date of Decision : 6 September 2019

DECISION

The Application

1. The Applicant seeks dispensation under Section 20ZA of the Landlord and Tenant Act 1985 from the consultation requirements imposed on the landlord by Section 20 of the 1985 Act.
2. The Applicant explains that the ventilation system in the underground car park is linked to the fire detection system and the HMI and PLC components of the ventilation system require replacement. This system needs to be in working order to ensure the safety of the residents and the block in the event of a fire/emergency situation.
3. The Application for dispensation was received on 1 August 2019.
4. On 1 August 2019 the Tribunal directed the Respondents to provide a response to the Application by 16 August 2019 by completing a form indicating whether they agreed or disagreed with the application and whether they were content for the case to be heard on the papers.
5. The Applicant served the Tribunal with a hearing bundle of documents on 27 August 2019.

Determination

6. The Tribunal is satisfied from the application and the documents that the works to the ventilation system are urgent and necessary. The Tribunal received responses from four leaseholders who all agreed with the Application.
7. **The Tribunal, therefore, dispenses with the consultation requirements in respect of the proposed works to the ventilation system.**
8. The Tribunal's decision is confined to the dispensation from the consultation requirements in respect of the qualifying works. The Tribunal has made no determination on whether the costs of those works are reasonable or payable. If a leaseholder wishes to challenge the reasonableness of those costs, then a separate application under section 27A of the Landlord and Tenant Act 1985 would have to be made.
9. The Tribunal will send a copy of the decision to the leaseholders who responded. The Tribunal asks the Applicant to inform the other leaseholders of this decision by way of noticeboard or other forms of communication.

RIGHTS OF APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28 day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.