

13217



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

**Case Reference** : LON/00AY/LDC/2019/0025

**Property** : 7 Wray House, Streatham Hill, London  
SW2 4AR

**Applicant** : Mayor and Burgesses of the London  
Borough of Lambeth

**Representative** : London Borough of Lambeth

**Respondent** : Mr. Paul Adrian Bachini

**Representative** : N/A

**Type of  
Application** : Dispensation – s.20ZA

**Tribunal Member** : Judge LM Tagliavini  
Miss M Krisko FRICS

**Date and place of  
hearing (paper)** : 10 Alfred Place, London WC1E 7LR  
24 April 2019

**Date of decision** : 24 April 2019

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**DECISION**

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**The tribunal's decision:**

- 1. The tribunal exercises its discretion and grants the Applicant dispensation from the requirement to provide the Respondent with a response to its Notice of Intention within the required 21 days, in respect of works to the communal electrical installations at 1-21 Wray House.**

## **Background**

2. This is an application made by the freeholder of the subject property under the provisions of section 20ZA of the Landlord and Tenant Act 1985 ("the 1985 /Act"). The Applicant seeks the tribunal's dispensation from the consultation requirements required by s.20 of the 1985 and as amended by s.151 for the Commonhold and Leasehold Reform Act 2002 ("the 2002 Act"). Specifically, the Applicant seeks dispensation from the requirement that the landlord shall have regard to observations received from a lessee who has received a Notice of Intention to carry out works and state his response to those observations within 21 days of receiving them

## **The property**

3. The subject premises are a flat ("the flat") situate in a building known as 1-21 Wray House, comprising 21 two bedroom flats and located on the Claremont Estate. By a lease dated 18 December 2000 the flat was let on a lease of 125 years at a ground rent of £10.00 per annum. The lease requires the Applicant to maintain the communal electrical installation and ensure that it meets the current electrical safety requirements and regulations. On or around 24 July 2017 the Respondent tenant became the registered long lessee of the flat.

## **The works**

4. In around February 2018, the Applicant's Technical Services Team identified that, the electrical installation contained within the communal parts of the building had reached the end of its useful life and was beyond economical repair. Required works were identified as the replacement of the electrical wiring, which was partially enclosed within the fabric of the building, the renewal of the communal lighting and the lateral mains within the building.
5. The identified works were carried out under a Qualifying Long Term Agreement by Mitie Group PLC in November 2018 and have now largely been completed.

## **The Applicant's case**

6. In support of its application, the Applicant provided the tribunal with a lever arch file containing the relevant documents. In the Applicant's Submissions dated 8 February 2019, and a witness statement of Rasel Ahmed dated 5 March 2019, the tribunal was informed that a Notice of Intention dated 6 February 2018, was sent to the lessees affected by the intended works. The Respondent subsequently provided a response to the Applicant's notice on 12 March 2018 by way of written observations. However, the Applicant overlooked and these observations and therefore did not provide a response until 22 January 2019, when it became aware of its error.

7. In its submissions in support of its application the Applicant stated that the Respondent had not suffered any prejudice by the late response to his observations, as they would not have made any difference to the Applicant's plan for these works too be carried out.

#### **The Respondent's case**

8. The Respondent lessee contacted the tribunal by a letter received 19 March 2019 in which, he stated *"In this instance, I agree that my observations would not have made a difference to the works therefore I do not oppose the council's application for retrospective dispensation pursuant to section 20ZA of the Landlord and Tenant Act 1982 (sic).*

#### **The tribunal's decision and reasons**

9. The tribunal is satisfied that the Applicant made an unintended administrative error in overlooking and not responding to the Respondent's observations within the statutory time frame. The tribunal is satisfied that the only lessee affected by this error was the Respondent who has himself accepted that he has not been caused any relevant prejudice as a result of it.
10. Therefore, in all the circumstances, the tribunal finds it reasonable and appropriate to exercise its discretion in respect of these electrical works pursuant to provisions of section 20ZA of the 1985 Act. In making this dispensation the tribunal does not consider any issues that might arise in respect of any liability to pay service charges that arise as a result including the reasonableness of costs or the standard of works.

**Signed: Judge Tagliavini**

**Dated: 24 April 2019**