



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

Case Reference : **CAM/33UH/LDC/2020/0019**
HMCTS Code : **P:PAPERREMOTE**

Property : **10 & 12 Earsham Street, Bungay,
Suffolk NR35 1AG**

Applicant : **East Suffolk Council**

Respondents : **1.Mrs Ivy Sayer – flat 1, 10 Earsham
Street
2.Ms Kate Jackson – flat 3, 12
Earsham Street**

Type of Application : **For dispensation of the
consultation requirements under
section 20ZA**

Tribunal Member : **Judge Wayte**

Date of Decision : **22 September 2020**

DECISION

Covid-19 pandemic: description of hearing

This has been a remote hearing on the papers which has been not objected to by the parties. A face-to-face hearing was not held because all issues could be determined in a remote hearing on paper and no hearing was requested. The documents that I was referred to are in a bundle of 104 pages, the contents of which I have noted. The order made is described below.

The Tribunal determines that an order for dispensation under section 20ZA of the 1985 Act shall be made dispensing with all of the consultation requirements in relation to the works described in the letter from the Applicant dated 27 August 2020.

The application

1. The Applicant seeks an order pursuant to s.20ZA of the Landlord and Tenant Act 1985 (as amended) (“the 1985 Act”) for the dispensation of any or all of the consultation requirements in respect of urgent works to the emergency lighting and improvement of the basement lighting within two blocks of flats.
2. The Respondents are the leaseholders within those blocks and the works are estimated to cost them around £900 each, meaning that the Applicant either needed to delay the works to carry out consultation with them or obtain dispensation of those requirements.
3. The issue in this case is only whether the consultation requirements of section 20 of the 1985 Act should be dispensed with. If there is any objection to the cost of the works that may be the subject of a separate application under section 27A of the Landlord and Tenant Act 1985.

The background

4. The application was received on 21 August 2020. Directions were given on 24 August 2020 and served on the Respondents by the tribunal that day. The directions contained a reply form for them to return to the tribunal if they objected to the application. Neither the tribunal nor the Applicant has received any communication from either Respondent.
5. The directions provided that this matter would be considered by way of a paper determination unless a hearing was requested. A hearing was not requested and accordingly the application was considered on the papers on 22 September 2020.
6. The Tribunal did not consider that an inspection was necessary, nor would it have been proportionate to the issues in dispute.
7. The only issue before the Tribunal is whether it should grant dispensation from all or any of the consultation requirements contained in section 20 of the 1985 Act.

The Applicant’s case

8. The Applicant’s bundle contained an email dated 25 August 2020 from Ian Ellwood, Electrical Supervisor for the Council, confirming that whilst carrying out the annual emergency light testing within the communal areas of Earsham Street, it was identified that the emergency lights were failing and not fit for purpose. He also concluded that the general lighting in the buildings was in a very poor condition.

9. In light of his conclusion that urgent work was required to protect the occupants, work was commissioned to rewire the emergency lighting to meet current regulations, replace the light fittings and lights to meet current British Standards and improve the basement lighting to ensure that there is sufficient light source for residents to access and read electric and gas meters.
10. The Applicant provided copies of the plans and calculations by their chosen contractor and these were sent to the Respondents on 27 August 2020 with an explanation of the works in accordance with the directions.
11. The bundle also contained colour photographs of the completed works.

The Respondents' position

12. The directions provided for the Respondents to complete the reply form attached to the directions and send it to the tribunal and the Applicant if they wished to object to the application. Neither the Applicant nor the tribunal has received any response or statement of case in opposition to the application from either Respondent. In the circumstances the tribunal concluded that the application was unopposed.

The Tribunal's decision

10. The Tribunal determines that an order for dispensation under section 20ZA of the 1985 Act shall be made dispensing with all of the consultation requirements in relation to the works outlined above.

Reasons for the Tribunal's decision

11. The tribunal has the jurisdiction to grant dispensation under section 20ZA of the 1985 Act "*if satisfied that it is reasonable to dispense with the requirements*".
12. The application was not opposed by the leaseholders. The tribunal is satisfied that the works were urgently required and properly authorised. In the circumstances it is appropriate to grant an order for dispensation.

Application under s.20C Landlord and Tenant Act 1985

13. There was no application for any order under section 20C before the tribunal.

Name: Judge Wayte

Date: 22 September 2020

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).