



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

Case Reference : **MAN/00BU/LDC/2014/0001**

Property : **Various flats at Hollywood Court, Stamford Road, Bowdon, Altrincham, Cheshire WA14 2LL**

Appellant : **Hollywood Court Management (Bowdon) Ltd**

Respondents : **Ms E Jackson –Moore
Dr B Gilbert
Mrs Sarah Mott
Mrs June Coppell & Mr Ivor Galkoff
Mrs Helen Berens**

Type of Application : **Application under Section 20ZA Landlord and Tenant Act 1985**

Tribunal Members : **Mr L J Bennett (Deputy Regional Judge)
Mr J R Rimmer (Chairman)**

Date of Decision : **28th May 2014**

DECISION

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Order

The dispensation sought by the Applicant from compliance with section 20 Landlord and Tenant Act 1985 is granted

Application and background

- 1 This is an application under Section 20ZA Landlord and Tenant Act 1985 seeking a dispensation from the requirement to fulfil the consultation requirements of Section 20 Landlord and Tenant Act 1985 (further clarified by the Service Charges (Consultation Requirements) (England) Regulations 2003) in relation to what are termed “qualifying works” within that section. It was received in the Tribunal Office on 27th January 2014.
- 2 The works in question are repairs to 2 chimney stacks in respect of which the Applicant has obtained 2 quotations for the work in question in the amounts of £3700 and £4985 + VAT respectively. The consultation requirements of section 20 are engaged if the contribution of each party responsible for payment exceeds £250 here there are 14 flats, contained within a total of 5 blocks who would share the cost. The contribution, even under the lower quotation, would exceed £250 per flat so the work is within the meaning of “qualifying works”.
- 3 Directions for the further conduct of the matter were given by the Tribunal on 4th February 2014.
- 4 In the submissions made to the Tribunal in the course of the Application, for which no party has requested a hearing, principally by Rebecca O’Neill on behalf of the Applicant and Mrs Mott and Mrs Berens as Respondents, it does not appear to the Tribunal that any party has taken issue with the need for the work to be done. There are however two matters about which Respondents do express concern.
 - (1) The difficulty of obtaining details of the second quotation for the work, having been appraised some time ago of the lower one.
 - (2) The relevance or otherwise of the existence of a third chimney stack, its position relative to the two under consideration and the need for work to be carried out on that, or not. There being economies of scale if any necessary work was carried out at the same time.
- 5 There was nothing within the submissions to the Tribunal that provided any clarification upon the issue as to whether, if there was a third chimney stack, it required attention, but there did appear to be some disagreement with the contention on behalf of the Applicant that all parties were in agreement with the work being done.

Determination

- 6 The Tribunal determined this matter without a hearing on 28th May 2014. The Tribunal is able under Section 20ZA Landlord and Tenant Act 1985 to determine that on an application to dispense with some or all of the consultation requirements under Section 20 it is satisfied that it is reasonable to dispense with those requirements.
- 7 On the evidence available to it the Tribunal is able to make the following determinations:
 - (1) Work is required to two chimneys as stated in the two quotations that have been provided.
 - (2) Whatever may have been the problem with the provision of the second quotation to all the parties this has now been resolved.
 - (3) The issue of the third chimney is not relevant to the determination. There is no evidence before the Tribunal to suggest that work upon such a chimney is required.
 - (4) There has been considerable consultation with the leaseholders, albeit not in compliance with Section 20.
 - (5) There is no evidence produced to the Tribunal to suggest that any leaseholder will suffer any prejudice if the dispensation is granted.
- 8 Even if the Tribunal does determine that it is appropriate to dispense with compliance with the consultation requirements this does not prejudice the future rights of any leaseholder to challenge the reasonableness of any costs incurred in respect of the relevant works under Section 27A Landlord and Tenant Act 1985 relating to the service charges for the year(s) in question.
- 9 In the circumstances the Tribunal is satisfied that it is reasonable to dispense with the requirements to comply with section 20 Landlord and tenant Act 1985 and the Service Charges (Consultation Requirements)(England) Regulations 2003.