



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

**Case Reference** : CHI/21UG/LDC/2018/0053

**Property** : Eversley House, 43 Eversley Road, Bexhill-on-Sea, East Sussex TN40 1HA

**Applicant** : Southern Land Securities Limited

**Representative** : Together Property Management

**Respondents** : The lessees for the 8 flats in the basement, Ground, First and Second Floors

**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** : 9 August 2018

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DECISION

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## The Application

1. This is an application for dispensation from the consultation requirements provided for in section 20 Landlord and Tenant Act 1985.
2. The Applicant explains that it carried out works to remedy the dry rot in Flat 4 which was identified when it was doing the same works to Flat 2. The Applicant decided to proceed with these works to Flat 4 because it would have cost the leaseholders more if it had decided to go out to statutory consultation. The Applicant wrote to the leaseholders to make them aware of the works and its costs, which was £10,900 plus VAT.
3. The Tribunal issued directions on 6 July 2018 to progress the Application.
4. The Tribunal directed the leaseholders to return a pro-forma to the Tribunal by 20 July 2018 indicating whether they agreed or disagreed with the application and whether they consented to a determination on the papers.
5. The Tribunal received responses from two leaseholders: Mr Hughes (Flat 7), and Mr Chester (Flat 1)
6. The Applicant served the Tribunal with a hearing bundle of documents on 3 August 2018.

## Determination

7. The Tribunal is satisfied from the application and the documents included in the hearing bundle that the Applicant was required to remedy the dry rot and that it would save costs if it was done at the same time as the works to Flat 2.
8. The Tribunal notes that the two leaseholders who wrote to the Tribunal agreed with the application and for it to be dealt with on the papers.
9. **The Tribunal, therefore, dispenses with the consultation requirements in respect of remedying the dry rot in Flat 4.**
10. This decision is confined to the dispensation from the consultation requirements in respect of the remedial works. The Tribunal has made no determination on whether the costs of those works are reasonable or payable. A leaseholder retains the right to challenge the costs of the works by making application to the Tribunal under section 27A of the 1985 Act.
11. The Tribunal will send a copy of this decision to the two leaseholders who responded to the Application.

12. The Tribunal requests that the Applicant notify remaining leaseholders of the decision and affix a copy of the decision in a prominent position in the common areas. **The Applicant to advise the Tribunal this has been done by 21 August 2018.**

## 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