



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

Case reference : **LON/00AE/LDC/2018/0048**

Property : **Mason House 1-3 valley Road London
NW9 9NG**

Applicant : **Mr D Philaiastides**

Representative : **Andrew Chreighton Chartered
Surveyors**

Respondent leaseholders : **Various leaseholders as per the
application**

Representative : **-**

Type of application : **To dispense with the consultation
requirements under S.20 Landlord
and Tenant Act 1985**

Tribunal member(s) : **Mrs E Flint DMS FRICS**

**Date and venue of
determination** : **21 March 2018
10 Alfred Place London WC1E 7LR**

DECISION

Decision of the tribunal

- (1) The Tribunal grants dispensation from all of the consultation requirements under S.20 of the Landlord and Tenant Act 1985 in relation to the first phase of the works to the passenger lift.
- (2) The question of reasonableness of the works or cost was not included in this application, the sole purpose of which is to seek dispensation.

The Background

1. The application under section 20ZA of the Landlord and Tenant Act 1985 ("the Act") was made by the agents on behalf of the applicants on 6 March 2018.
2. The application concerns the passenger lift which serves the residential element of the building on the third to seventh floors. There is a history of the lift breaking down and instances of residents being stuck in the lift being rescued by the fire brigade. There is an infirm, elderly man on the third floor and several families with young children, including babies. The lift currently does not go beyond the fifth floor.
3. Directions were issued on 7 March 2018 requiring the applicant to prepare bundles by 16 March to include statements
 - a. Setting out the full grounds for the application, including all of the documents on which the landlord relies and copies of any replies from the tenants;
 - b. The Leaseholders were asked to confirm by 14 March whether or not they would give their consent to the application.
 - c. In the event that such agreement was not forthcoming the leaseholders were to state why they opposed the application; and provide copies of all documents to be relied upon.
4. No responses were received from the leaseholders.

The Evidence

5. Mr A Christou stated that the property is a standalone building within a mixed use development. The ground to third floors are occupied by an educational institute. There is a separate entrance to the rear providing access to the flats

12. On the evidence before it, and in these circumstances, the Tribunal considers that the application for dispensation be granted.

Name: Evelyn Flint

Date: 21 March 2018

RIGHTS OF APPEAL

1. 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.
2. 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.
3. 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.
4. 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.