



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

Case Reference : CHI/43UM/LDC/2020/0041

Property : Mayford Grange, 99 Westfield Road,
Mayford, Woking, Surrey GU22 9AX

Applicant : Mayford Grange Management Ltd

Representative :

Respondents : 46 Leaseholders

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 : 10 July 2020

DECISION

The Application

1. The Applicant seeks dispensation under Section 20ZA of the Landlord and Tenant Act 1985 from the consultation requirements imposed on the landlord by Section 20 of the 1985 Act.
2. The Applicant explains the works are required to complete the upgrade of the existing Tunstall emergency call system installed to each apartment to ensure that all aspects of the system are fully operational and to enable a maintenance contract to be placed for the future.
3. The Applicant further states that it had only recently become aware that the existing system had reached the end of its useful life as batteries were running out for pull cords, heat and smoke detectors and base units. The system was installed ten years ago and documentation had been lost. No maintenance contract was in place. Some apparatus has been replaced on a piecemeal basis as and when. Some remaining apparatus was already indicating expiring batteries risking the fact that emergency call apparatus will not work.
4. To ensure the safety of all leaseholders (all over 65 years old) the Applicant now wished to complete the upgrade of all remaining units which would allow a maintenance contract to be placed and secure the system for the future. The cost of completing these final works would be £14,586.26 + Vat (£17,503.51) a liability of £380.51 per unit. There were sufficient funds in the Service Charge Reserve Funds to cover the cost without the requirement to raise a levy, or substantially increase the Service Charge or show a deficit at the end of the current Service Charge financial year. The existing system was installed by Tunstall therefore obtaining quotes for a partial upgrade from alternative contractors would not be possible. By the same token placing a maintenance contract with an alternative contractor was also not an option. The liability per unit for a five year maintenance contract was £118.78 per annum.
5. The Application for dispensation was received on 19 June 2020.
6. On 19 June 2020 the Tribunal directed the Applicant to serve the application and directions on the leaseholders which was done on 23 June 2020.
7. The Tribunal was satisfied that the matter was urgent, it was not practicable for there to be a hearing and it was in the interests of justice to make a decision disposing of the proceedings without a hearing (rule 6A of the Tribunal Procedure Rules 2013 as amended by The Tribunal Procedure (Coronavirus) Amendment Rules 2020 SI 2020 No 406 L11).
8. The Tribunal directed the leaseholders to return a pro-forma to the Tribunal by 6 July 2020 indicating whether they agreed or disagreed

with the application. Nineteen leaseholders responded and all were in agreement with the Application.

9. The Tribunal indicated that it would make its determination within three working days of 6 July 2020.

Determination

10. The Tribunal is satisfied from the Application and the documents that the works to upgrade the Tunstall emergency call system were necessary, and urgent. The Tribunal accepts the Applicant's reasoning that it made no sense to put the contract out to tender. The Tribunal notes that all leaseholders who responded were in favour of the Application. There was no evidence that the leaseholders would suffer relevant prejudice if the Application was granted.
11. **The Tribunal, therefore, dispenses with the consultation requirements in respect of the works to upgrade the Tunstall emergency call system.**
12. The Tribunal's decision is confined to the dispensation from the consultation requirements in respect of the works. The Tribunal has made no determination on whether the costs of those works are reasonable or payable. If a leaseholder wishes to challenge the reasonableness of those costs, then a separate application under section 27A of the Landlord and Tenant Act 1985 would have to be made.
13. The Tribunal directs the Applicant to inform the leaseholders of the Tribunal's decision and to display the written decision on a noticeboard in the common areas.

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 by email to rpsouthern@justice.gov.uk 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.

Due to the Covid 19 pandemic, communications to the Tribunal MUST be made by email to rpsouthern@justice.gov.uk. All communications must clearly state the Case Number and address of the premises.