



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

Case Reference : CHI/00HN/LDC/2015/0057

Property : 797A Christchurch Road, Bournemouth,
Dorset BH7 6AW

Applicant : Leister Corp

Representative : CP Bigwood

Respondent : Ms K Main, Miss C L Beeston and Mr O
Onuorah

Representative :

Type of Application : Dispensation with Consultation
Requirements

Tribunal Member(s) : Judge Tildesley OBE

**Date and Venue of
Hearing** : Determination on Papers

Date of Decision : 22 January 2016

DECISION

The application

1. The Applicant applied for the dispensation of all or any of the consultation requirements provided for by section 20 of the Landlord and Tenant Act 1985 ("the Act") in respect of urgent works which had been carried out to the stone gable of 797A Christchurch.
2. The Application was dated 17 December 2015.
3. On 17 December 2015 the Tribunal directed the Respondents to indicate by 4 January 2016 whether they agreed with the Application and whether they wished the Tribunal to hold a hearing. The Respondents made no representations.
4. On 7 January 2016 Meridian Maintenance invoiced the Applicants for the urgent works which were: making good the brickwork around fixed window in the Dutch Gable, re-point brickwork and remove rotten timber forming window head and replace with new. Replace broken brickwork. Making good plinth to the right side of Dutch gable and temporary support for loose pier below the plinth on the first floor. The costs of these works were £1,390,
5. The Applicant in its bundle of documents dated 8 January 2016 included a report from Meridian Maintenance on its inspection of the property which incorporated photographs of the defects to the Dutch Gable.
6. The Tribunal is satisfied from its examination of the documents that the repairs to the Dutch gable were urgent so as to ensure that pedestrians were protected from falling masonry. The Respondents have raised no objections to the application. **In those circumstances the Tribunal dispenses with the consultation requirements in respect of the works to the Dutch Gable which are referred to as Phase 1 works in the invoice.**
7. This decision is confined to the dispensation from the consultation requirements in respect of the works to the gable. The Tribunal has made no determination on whether the costs of those works were reasonable or payable. If a lessee challenges the reasonableness of those costs, then a separate application under section 27A of the Landlord and Tenant Act 1985 would have to be made.
8. Likewise the Applicant has sought to extend the application for dispensation to what it terms as Phase 2 works including the reasonableness of the costs of those works. If the Applicant wishes to pursue this with the Tribunal, new applications would have to be made for dispensation of consultation requirements and for the determination of service charge liability

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